SECURITY COUNCIL

OFFICIAL RECORDS

FORTY-EIGHTH YEAR

SUPPLEMENT FOR JANUARY, FEBRUARY AND MARCH 1993

UNITED NATIONS

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New York, 1995

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/...) are normally published in quarterly *Supplements of the Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

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DOCUMENT S/25000/ADD.1

Further report of the Secretary-General pursuant to Security Council resolution 787 (1992)

[*Original: English*]
[*8 January 1993*]

1. In my report of 21 December 1992 [*S/25000*] to the Security Council, I indicated in paragraph 21 that the preliminary estimates of the additional costs to the United Nations arising from the proposal to enlarge the mandate and strength of the United Nations Protection Force (UNPROFOR) would appear separately as an addendum.

2. The additional responsibilities to be undertaken by UNPROFOR and the proposed increase in its strength are set out in paragraphs 14 to 16 of the main report [*ibid.*].

3. It is estimated that the costs associated with the additional responsibilities of monitoring crossing-points on the borders of Bosnia and Herzegovina with Croatia and the Federal Republic of Yugoslavia would amount to some $694,125,000 for an initial six-month period. It is further estimated that the monthly cost thereafter will be approximately $69,155,000. A breakdown of the estimated cost for the first six-month period, by main categories of expenditure, is provided for information purposes in the annex to the present addendum.

4. It would be my recommendation to the General Assembly, that should the Security Council decide to approve the proposed course of action and enlarge the mandate and strength of UNPROFOR, the additional costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States be credited to the UNPROFOR special account.

ANNEX

Cost estimate for the enlargement of UNPROFOR

(*Thousands of United States dollars*)

Objects of expenditure			*Initial six months*
1.	Military component		
	(*a*)	Contingent personnel	89 772
	(*b*)	Other costs pertaining to contingents	12 925
2.	Civilian police monitors		28 531
3.	Civilian staff costs[a]		152 774
4.	Premises		178 249
5.	Air operations		19 628
6.	Transport operations		84 854
7.	Communications		46 830
8.	Miscellaneous equipment		32 013
9.	Miscellaneous supplies, services, freight and support costs		48 549
	Total		694 125

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[a] Provides for 2,129 international staff and 1,212 locally recruited staff.

DOCUMENT S/25041

Letter dated 31 December 1992 from the representative of the Sudan to the President of the Security Council

[*Original: Arabic*]
[*4 January 1993*]

I have the honour to transmit herewith a letter dated 27 December 1992 addressed to you by Mr. Ali Ahmed Sahloul, Minister for Foreign Affairs of the Republic of the Sudan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Ahmed SULIMAN
Permanent Representative
of the Sudan to the United Nations

LETTER DATED 27 DECEMBER 1992 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE SUDAN ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I should like to refer to the letter dated 20 February 1958 [*S/3963*] from the Permanent Representative of the Republic of the Sudan to the Secretary-General, which was before the Security Council on 21 February 1958 [*812th meeting*], concerning the Republic of the Sudan's boundary with the Arab Republic of Egypt in the area adjoining the Sudanese governorate of Halayib, which was a part of the Sudan before the Anglo-Egyptian Condominium and which remained under Sudanese sovereignty after independence in 1956. The above-mentioned letter contains the Sudan's complaint against Egyptian military intervention in that area. Although the problem was contained by restoration of the *status quo ante* through Egypt's withdrawal of its forces from the area, so that it was left under Sudanese administration, the problem has arisen anew whenever there has been misunderstanding and a divergence of viewpoint between the two countries regarding certain national and regional issues and questions. For about a year, the Egyptian Government has been taking measures that the Government of the Sudan regards as aimed at a gradual change of identity and situation in the Sudanese area of Halayib so that the area will eventually become subject to Egypt. The greatest and most serious of those developments was the blatant aggression committed by the Egyptian forces that infiltrated 28 kilometres into Sudanese territory on 9 December 1992 south of the Sudanese town of Halayib in Halayib governorate and on the highway linking it to Port Sudan. This force, led by a lieutenant-colonel and supplied with vehicles and weapons, set up a number of camps in Sudanese territory. In the evening of the same day, another Egyptian force proceeded into Sudanese territory and established itself three kilometres to the south of the town of Halayib, imposing a total blockade on the town. It also surrounded Sudanese military posts located in the area. These forces, which now number more than 600 men and 1 officer, have halted at latitude 22° N and have set up along the line of latitude a number of camps and boundary markers with "the Sudan" written on the southern side and "Egypt" on the northern side.

Halayib governorate is, as we have said, Sudanese territory. Its area is approximately 18,000 square kilometres, and it lies to the north of the 22nd parallel. The eastern side extends in the form of a triangle from the coast of the Red Sea to the town of Shalatein in the north and approximately 58 kilometres to the south-west as far as Bi'r Maniqah and Jabal al-Dayqah and to the south as far as Jabal Umm al-Tuyur al-Fawqani. This region is inhabited by the Bisharin tribes and some of the Amrar and Ababda tribes.

Sudan's complaint to the Council in 1958 set forth the details of the problem, which began when the Sudan received a note from the Egyptian Government alleging that the inclusion of the region lying on the Red Sea coast above the 22nd parallel in the Sudanese electoral district for that year's elections conflicted with the January 1899 agreement between Egypt and Great Britain and constituted a violation of Egyptian sovereignty. In its note, the Egyptian Government called for the eradication of the existing boundary - which had been established by decisions of the Ministry of the Interior of Egypt itself on 26 March 1899, 4 November 1902 and 1907 - on the grounds that it was an administrative boundary. Egypt called for a return to the agreement of January 1899, on the grounds that it was decisive with regard to the political boundary between Egypt and the Sudan. Egypt followed up that note with another transmitting its decision to have the inhabitants of the Halayib region participate in the referendum for the presidency of the United Arab Republic. The Sudanese Government was forced to have recourse to your esteemed Council in February 1958 in order to deal with the grave situation that had arisen as a result of Egypt's mobilizing military forces on the common frontier, lest the matter develop into an armed conflict between the two States.

We should point out that the Sudan, before having recourse to the Security Council, had proposed to Egypt that consideration of the boundary question should be deferred until after the holding of the 1958 Sudanese elections and that the elections should be held in the disputed area with the Government of the Sudan undertaking not to take that as proof of its sovereignty over those areas. Egypt rejected our proposal and urged that elections should not be held in the above-mentioned areas. The Sudan made that proposal, desiring to deal with the problem in the light of the international covenants governing relations between States, in particular the Charter of the United Nations, the Charter of the Organization of African Unity and the Pact of the League of Arab States, all of which urge that any disputes arising among States should be settled by peaceful means and prohibit the use of force to settle disputes.

As you know, and as the documents of the Organization show, the Security Council met on 21 February 1958 to consider Sudan's complaint. However, the representative of Egypt to the United Nations announced that his Government had agreed to defer the boundary question until after the Sudanese elections. In fact, elections were held in the Halayib area, and a representative for the Halayib constituency was elected to the Sudanese Parliament in 1958. All the elections held in the Sudan since then have included the Halayib area. Egypt did not revive the dispute after that date. It appeared to have accepted the current situation in Halayib, and the Sudan continued to exercise the rights of sovereignty and administration over the area, on the basis of a clear legal right. However, in spite of that, Egypt continued to play the Halayib card whenever disputes arose between the two countries. When the Sudan recently granted petroleum drilling rights in Halayib governorate to a Canadian company and permitted a Japanese archaeological mission to operate in the governorate, Egypt's claims of sovereignty over Halayib and Shalatein were renewed in an attempt to divest the Sudan of its sovereignty over the natural and other resources of the area. The gravest of the Egyptian measures following that was the introduction of 20 armed men from the Egyptian security forces and their deployment in the streets of the Sudanese village of Abu Ramad in the area. This measure was preceded, on 4 April 1992, by the occurrence of armed aggression against the police forces, which resulted in the death of two men and the wounding of five.

Following these developments, the Sudanese Government, seeking to contain and deal with anything that might be prejudicial to the cause of Sudanese-Egyptian relations, tried to convene a meeting at the highest possible level between representatives of the two countries. In February 1992, the Sudan dispatched Major-General Zubair Muhammad Salih (General Staff), Vice-President of the Revolutionary Command Council and of the Council of Ministers, to Cairo, where he met with President Hosni Mubarak, President of the Arab Republic of Egypt. At the meeting, agreement was reached on the establishment of a Joint Commission headed by the Under-Secretaries of State for Foreign Affairs of the two countries to consider and resolve the problem of Halayib. The Sudan accepted the establishment of this Commission because of its sincere desire to arrive at a peaceful, decisive and lasting settlement of this problem that would give both countries an opportunity to embark on a more cordial phase in their bilateral relations and cooperation.

The Commission held its first meeting at Khartoum in March 1992 and its second meeting at Cairo in October of the same year. The second meeting resulted in minutes containing agreement on the following:

1. The avoidance of anything likely to disrupt relations, an effort to ensure propitious circumstances for the development of relations and activation of the machinery for joint endeavour, making no change in the existing situation in Halayib until agreement was reached between the two countries.

2. The continuation of periodic meetings of the Commission at close intervals. The Commission should have an active role in resolving the border questions.

3. Definition of the legal points in dispute for discussion at subsequent meetings.

4. Establishment of a Joint Liaison Committee to follow up the situation and deal with any developments.

5. The convening of a third meeting of the Commission at Khartoum in January 1993.

The Sudanese Government believed that what was agreed on at the meetings of the Joint Commission, as well as the two meetings held by the Vice-President of the Revolutionary Command Council and the Council of Ministers of the Republic of the Sudan and the President of Egypt in February and October 1992, and the meeting of the Ministers for Foreign Affairs of the two countries at Jakarta in June 1992, had brought the problem closer to a solution in a way that reflected the spirit of brotherhood between the two countries. However, the Sudan was surprised at the Egyptian forces' aggression against Halayib governorate, as we stated at the beginning of this letter, for this conflicts with the spirit of the agreement reached between the two parties for consideration and resolution of the problem by friendly means and within the framework of the Joint Commission established specifically for this purpose.

The Sudanese Government, which sees no alternative but to refer the matter once again to the Security Council, the Organization of African Unity and the League of Arab States, wishes to inform you and the members of the Security Council of these grave developments that threaten the security and territorial integrity of the region, in order that you may make the necessary efforts to ensure the immediate withdrawal of the military and civilian Egyptian forces from Halayib governorate and restore the situation there to its former state. We also hope that the Council will circulate this letter to all States Members of the United Nations.

(Signed) Ali Ahmad SAHLOUL
Minister for Foreign Affairs
of the Sudan

DOCUMENT S/25042[*]

Letter dated 30 December 1992 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*4 January 1993*]

Following the adoption of General Assembly resolution 47/121 on 18 December 1992, and especially the provision under paragraph 5, as well as the numerous unfounded attempts to equate the Croatian Defence Council (HVO) forces and the regular army units of the Republic of Croatia, I would like to draw your attention to the statement made by Mr. Mile Akmadzic, Prime Minister of the Republic of Bosnia and Herzegovina, on 24 December 1992.

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[*] Circulated under the double symbol A/47/849-S/25042.

Prime Minister Akmadzic stated that "the armed forces of the Government of the Republic of Bosnia and Herzegovina and HVO are not two separate armies, but the armed forces of the Government of the Republic of Bosnia and Herzegovina consist of two equal forces - the Bosnia-Herzegovina army and HVO". Mr. Akmadzic stated that "there is cooperation between the HVO units and some neighbouring units of the Croatian army" and "if the HVO asks Croatian army units to help us in some operations, then it means that we really need this help and that the Government of the Republic of Bosnia and Herzegovina, its Presidency and its Assembly agree with this".

Allow me to emphasize that, in accordance with resolution 47/121, if the units of the Croatian army were to be temporarily present in the Republic of Bosnia and Herzegovina, they would be operating in accord with the authority of the Government of the Republic of Bosnia and Herzegovina. This fact, which underlines the spirit of the Agreement on Friendship and Cooperation between the Republic of Bosnia and Herzegovina and the Republic of Croatia (signed at Zagreb on 21 July 1992) and the annex thereto (signed in New York on 23 September 1992), is also confirmed by the highest authorities of the Government of the Republic of Bosnia and Herzegovina. The relationship between the Republic of Croatia and the Republic of Bosnia and Herzegovina is founded on the principles of mutual recognition and full respect for independence, sovereignty and territorial integrity of the two States Members of the United Nations.

I should be grateful if the present letter could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative of
Croatia to the United Nations

DOCUMENT S/25043[*]

Letter dated 31 December 1992 from the representative of Turkey to the Secretary-General

[*Original: English*]
[*4 January 1993*]

In my capacity as the representative of the country that is the current Chairman of the Organization of the Islamic Conference (OIC), I have the honour to enclose herewith the text of the statement adopted by the Committee on Palestine of OIC on 30 December 1992.

I should appreciate it if you would kindly have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Mustafa AKSIN
Permanent Representative of
Turkey to the United Nations

TEXT OF THE STATEMENT

The Committee on Palestine of the Organization of the Islamic Conference met in New York on 30 December 1992 to consider the grave and dangerous situation that has ensued as a result of the Israeli Government's illegal mass deportation of over 400 Palestinian civilians from the occupied Palestinian territory, including Jerusalem, on 17 December 1992. The Committee strongly condemned these deportations, which constitute a grave breach of the fourth Geneva Convention of 12 August 1949,[1] violate the relevant Security Council resolutions and clearly jeopardize the peace process currently under way.

While welcoming the adoption of Security Council resolution 799 (1992) and appreciating the steps taken by the Secretary-General of the United Nations in this regard, the Committee on Palestine stressed the need for the prompt and full implementation of the resolution to secure the safe and immediate return of all those deported. The Committee also noted that the extreme suffering and the dire conditions of the deportees necessitate that even more rapid action be taken by the international community to implement resolution 799 (1992) in order to bring to an end this tragic situation and to prevent any similar illegal action by the Israeli Government in the future.

The Committee on Palestine decided to remain seized of the matter and to closely observe any developments in this regard, including the impending report of the Secretary-General and the subsequent action of the Security Council in response to that report. The Committee also noted, with appreciation, the actions taken by the Secretary-General of the Organization of the Islamic Conference, Mr. Hamid Algabid, in relation to the issue of deportations of the Palestinian civilians.

DOCUMENT S/25044

Letter dated 30 December 1992 from the representative of Italy to the Secretary-General

[*Original: English*]
[*4 January 1993*]

I have the honour to forward to you the summary of conclusions of the Donors Conference for Mozambique, held at Rome on 15 and 16 December 1992.

I would be grateful if you could have the text circulated as a document of the Security Council.

(*Signed*) Mario SCIALOJA
Chargé d'affaires a.i.
of the Permanent
Mission of Italy
to the United Nations

ANNEX

Donors Conference for Mozambique
(*Rome, 15 and 16 December 1992*)

SUMMARY OF CONCLUSIONS SUBMITTED BY THE CHAIRMAN OF THE CONFERENCE

1. Upon the invitation of the Italian Government [*see S/24813*] and in pursuance of Protocol VII attached to the General Peace Agreement for Mozambique, signed at Rome on 4 October 1992 [*S/24635*], representatives of the United Nations and of the countries and organizations listed in annex I to the present summary of conclusions[**] met in Rome on 15 and 16 December 1992.

2. The participants reiterated their deep appreciation to the Mozambican parties for effectively promoting peace in their country. They believe that the Rome Peace Agreement sets an example on the troubled international scene and must therefore meet with the necessary support by the world community.

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[*] Circulated under the double symbol A/47/850-S/25043.

[**] Annexes I to IV to the summary of conclusions are not reproduced in the present *Supplement*; they may be consulted in the files of the Secretariat.

3. The participants, taking note of relevant decisions of the United Nations as well as of the report of the Secretary-General on the United Nations operation in Mozambique [*S/24892 and Add.1*] and of the statement made by his representative, agreed to consider their endeavours at Rome as duly fitting in the general framework of current efforts by the international community to support and sustain the peace agreement for Mozambique.

4. The participants agreed therefore to adhere to the appeal by the Mozambican parties for emergency pledges in areas specified in the above-mentioned Protocol VII: programmes for the reintegration of displaced persons, refugees and demobilized soldiers and programmes for the setting up of an electoral process.

5. The participants formed two working groups on the reintegration of refugees, displaced persons and demobilized soldiers and on the electoral process, the conclusions of which are attached in annexes II and III to the present summary of conclusions.

6. The participants took note of a document prepared at Maputo with the assistance of the representatives of some participants, which has met with the agreement of the Mozambican parties. They also took note of other documents submitted to the Conference.

7. The participants agreed on the usefulness of attaching herewith, in annex IV to the present summary of conclusions, a summary covering the subjects of refugees, the reintegration of refugees, displaced persons and demobilized soldiers, and the electoral process, which derives from the document referred to in paragraph 6 above and which is completed by a document on Mozambican refugees provided by the Office of the United Nations High Commissioner for Refugees. This summary is meant to help donors to assess the destination of their pledges and to coordinate interventions by offering suggested fields of action.

8. In the view of the participants, it would be useful to convene in due time at Maputo a United Nations meeting, enlarged with the participation of interested donors, to identify progress in the follow-up of emergency programmes destined to sustain the peace process, as defined by Protocol VII to the General Peace Agreement.

9. The participants agreed to request the Chairman of the Conference to convey the present summary of conclusions and the attachments to the Secretary-General of the United Nations. The list of pledges can be found in annex IV, appendix 2.

10. Participants expressed their gratitude to the Italian Government for convening the Rome Conference and for its generous and important role in promoting the peace process in Mozambique.

DOCUMENT S/25045[*]

Application of the Czech Republic for admission to membership in the United Nations: note by the Secretary-General

[*Original: English*]
[*4 January 1993*]

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council, the Secretary-General has the honour to circulate herewith the application of the Czech Republic for admission to membership in the United Nations, contained in a letter dated 4 January 1993 from the Prime Minister of the Czech Republic to the Secretary-General.

LETTER DATED 4 JANUARY 1993 FROM THE PRIME MINISTER OF THE CZECH REPUBLIC TO THE SECRETARY-GENERAL

In accordance with Article 4 of the Charter of the United Nations and in compliance with rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly, I have the honour, on behalf of the Czech Republic and in my capacity as Prime Minister of the Czech Republic, to inform you that the Czech Republic herewith applies for membership in the United Nations.

I should accordingly be grateful if you would arrange for this application to be placed before the Security Council and the General Assembly at their next meetings.

As stated in a formal declaration attached to this application, the Czech Republic is willing to accept and carry out the obligations contained in the Charter of the United Nations.

(*Signed*) Václav KLAUS

Declaration

In connection with the application by the Czech Republic for membership in the United Nations, I have the honour, on behalf of the Czech Republic and in my capacity as Prime Minister of the Czech Republic, to declare that the Czech Republic accepts the obligations contained in the Charter of the United Nations and solemnly undertakes to fulfil them.

(*Signed*) Václav KLAUS

DOCUMENT S/25046[**]

Application of the Slovak Republic for admission to membership in the United Nations: note by the Secretary-General

[*Original: English*]
[*4 January 1993*]

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council, the Secretary-General has the honour to circulate herewith the application of the Slovak Republic for admission to membership in the United Nations, contained in a letter dated 1 January 1993 from the Prime Minister of the Slovak Republic to the Secretary-General.

LETTER DATED 1 JANUARY 1993 FROM THE PRIME MINISTER OF THE SLOVAK REPUBLIC TO THE SECRETARY-GENERAL

In accordance with Article 4 of the Charter of the United Nations and in compliance with rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly, I have the honour, on behalf of the Slovak Republic and in my capacity as Prime Minister of the Slovak Republic, to inform you that the Slovak Republic herewith applies for membership in the United Nations.

I should accordingly be grateful if you would arrange for this application to be placed before the Security Council and the General Assembly at their next meetings.

As stated in a formal declaration attached to this application, the Slovak Republic is willing to accept and carry out the obligations contained in the Charter of the United Nations.

(*Signed*) Vladimir MEČIAR

Declaration

In connection with the application by the Slovak Republic for membership in the United Nations, I have the honour, on behalf of the Slovak Republic and in my capacity as Prime Minister of the Slovak

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[*] Circulated under the double symbol A/47/851-S/25045.

[**] Circulated under the double symbol A/47/852-S/25046.

Republic, to declare that the Slovak Republic accepts the obligations contained in the Charter of the United Nations and solemnly undertakes to fulfil them.

(*Signed*) Vladimir MEČIAR

DOCUMENT S/25047[*]

Letter dated 4 January 1993 from the representative of the Democratic People's Republic of Korea to the Secretary-General

[*Original: English*]
[*4 January 1993*]

I have the honour to forward to you the New Year's Address for 1993 (the part relating to national reunification) of President Kim Il Sung of the Democratic People's Republic of Korea.

I should be grateful if you would have the text of the present letter and the annex circulated as a document of the General Assembly and of the Security Council.

(*Signed*) PAK Gil Yon
Permanent Representative of the
Democratic People's Republic of Korea

ANNEX

New Year's Address of President Kim Il Sung

(the part relating to national reunification)

Our party and the Government of the Republic have consistently made strenuous efforts to achieve the reunification of the country on the principle of national independence. For the past 20 years since our Party put forward the three principles of independence, peaceful reunification and great national unity by embodying the idea of reunification based on national independence, the national reunification movement has been expanded and developed steadily on a nationwide scale. In the course of this the north-south talks progressed to a high stage, with the result that at last an epoch-making advance could be achieved of adopting and effecting the Agreement on Reconciliation, Non-aggression and Cooperation and Exchange between the North and the South and the Joint Declaration of the Denuclearization of the Korean Peninsula. The South Korean authorities are obstructing the implementation of the North-South agreement under an unreasonable excuse and attempting to resume the provocative "Team Spirit" joint military exercise today when the entire nation can look forward to the future of reunification with hope and expectations.

This is an anti-national act designed to deny the principle of reunification based on national independence and achieve their dishonest aim by relying on foreign forces. The reunification desired by our nation is the reunification to realize national independence, but not the reunification to live shackled to others. If we intended to live subjected to others, we would not have needed to wage the protracted and arduous national liberation struggle, nor would it be necessary for us to fight against the aggression and interference of foreign forces in the teeth of all sacrifices since our country's liberation. The principle of national independence is the fundamental principle of reunification from which we cannot stand back. Talking about negotiations and reunification while denying this principle is trifling with the nation; this should not be permitted.

Our Party and the Government of the Republic will, in the future too, make persistent efforts to reunify the country on the principle of national independence and by forming a confederation which is based on one nation, one State, two systems and two Governments. If anyone takes a sincere attitude to really settle the question of the country's reunification on the standpoint of national independence, we will meet him or her, without questioning his or her past, and discuss the question of national reunification open-mindedly and make joint efforts to realize the cause of the country's reunification.

The question of Korea's reunification is a national issue which our nation should solve as the motive force and, at the same time, it is an international one for which the countries concerned should take responsibility and cooperate in every possible way. In order to solve the Korean question, the outcome of the cold war, the countries concerned must renounce without hesitation their outdated policy of the cold war period. To cling to the one-sided policy of the cold war period, while threatening us militarily and putting economic pressure on us, is not an attitude to clear the after-effect of the cold war; it is running against the trend of the times. When the countries concerned take the stand to solve the Korean question fairly to meet the demand of the times and the principle of international justice, they will be able to fulfil their share of responsibility and duty in the Korean question; this will also exert favourable influence on improving the relations between our country and these countries.

There are still obstacles and difficulties in the way to our country's reunification. However, our people's cause of reunification which is advancing in accordance with the principle of national independence unfailingly will emerge victorious.

The present international situation is complex, but the independent foreign policy of the Government of our Republic is invariable. In future, too, the Government of our Republic will continue to implement the foreign policy of independence, peace and friendship. However complex the situation is, we will hold fast to independence, be faithful to the revolutionary principle and our international duty and will make every possible effort to make the whole world independent and develop friendly and cooperative relations with the peoples of socialist and non-aligned countries and with the peoples of many other countries around the world.

DOCUMENT S/25049

Letter dated 4 January 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*5 January 1993*]

Acting under paragraph 5 of resolution 771 (1992) and paragraph 1 of resolution 780 (1992) where the Security Council called upon States "to collate substantiated information in their possession or submitted to them relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions of 12 August 1949, being committed in the territory of the former Yugoslavia" and requested them to make this information available to the Council, I have the honour to transmit to you the attached collection of documents entitled "Life and death under occupation," received by the mission from the occupied territories of the Republic of Bosnia and Herzegovina, dated 4 January 1993.[**]

Most of the documents are from the city of Banja Luka, which is under occupation by Serbian and Montenegrin forces and their surrogates in Bosnia and Herzegovina. The authors transmitted these documents at great personal risk so that the world would know about the crimes perpetrated by the occupation forces. Among other things, the documents show that:

1. Serbian and Montenegrin occupation forces commit genocidal crimes against non-Serb civilians, including mass executions and deportations, often with the full awareness of international organizations, including the United Nations Protection Force.

2. Upon public exposure of certain concentration camps, Serbian occupation forces quickly relocated and sometimes killed people held in the camps.

3. In some instances, Bosnian Serbs helped to hide Bosnian Muslims during raids by the occupation forces.

4. The occupation authorities, as early as two years ago, began making lists of persons and property to be "ethnically cleansed".

5. Bosnian Serbs have advised community leaders of an official plan to "ethnically cleanse" the city of Banja Luka.

6. To bypass the economic embargo, the occupation authorities sent tanker trucks, bearing the seal of the Republic of Bosnia and Herzegovina, to bring in oil from Greece.

May I ask for your kind assistance in having these reports made available to the Commission of Experts established pursuant to resolution 780 (1992), and in having this letter circulated as a document of the Security Council.

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[*] Circulated under the double symbol A/48/59-S/25047.

[**] The documents may be consulted in the files of the Secretariat.

(*Signed*) Muhamed SACIRBEY
Permanent Representative of
Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25050

Report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia

[*Original: English*]
[*6 January 1993*]

1. Since my last report was issued on 24 December 1992 [*S/25015*], a number of important developments have taken place, about which I felt it important to inform the Security Council immediately.

Peace talks: 2-4 January 1993

2. In view of heightening international concern over the situation in Bosnia and Herzegovina, the Co-Chairmen of the Steering Committee of the International Conference of the Former Yugoslavia issued invitations to the three sides in Bosnia and Herzegovina to come to Geneva from 2 January 1993 onward for talks on the following matters: "to discuss a sustainable cessation of hostilities; the demilitarization of Sarajevo; an agreement on a pull-back from the military front line in a way that reinforces and goes with the grain of an overall political settlement; ensuring free access of all citizens in and out of besieged cities and towns; and the free movement of humanitarian aid". The Governments of the Republic of Croatia and the Federal Republic of Yugoslavia were also invited to send representatives to the talks at the level they considered appropriate.

Background

3. In preparation for these talks, the Co-Chairmen of the Steering Committee invited President Tudjman of Croatia and President Izetbegovic of Bosnia and Herzegovina to Geneva for consultations on Sunday, 27 December, and Monday, 28 December 1992. Those consultations concentrated on the provincial structure in Bosnia and Herzegovina as an intrinsic part of future constitutional arrangements.

4. Also in preparation for the talks, the Co-Chairmen invited President Cosic of the Federal Republic of Yugoslavia and President Tudjman of the Republic of Croatia for consultations in Geneva on Monday, 28 December.

5. I considered it crucial that the parties should cooperate with the Co-Chairmen of the Steering Committee. The Co-Chairmen, Cyrus Vance and Lord Owen, and I accordingly had talks, individually, on Monday, 28 December, with President Cosic, President Tudjman and President Izetbegovic. I expressed to each of them my grave concern over developments in Bosnia and Herzegovina and the risks of escalation and expansion of the conflict. I strongly appealed to each of them to help the Co-Chairmen in their search for peaceful solutions.

6. In the light of my conversations with them, I wrote to the President of the Security Council on 30 December 1992 describing my impression that there were subtle signs of progress in the peace process and expressing my grave concern at the growing momentum for stronger military measures by the international community in Bosnia and Herzegovina. I stated my conviction which I continue to hold - that this momentum should be slowed in order to allow the still fragile peace process an opportunity to take root.

7. My discussions with the three Presidents and the Co-Chairmen led me to the conclusion that the designation of Sarajevo as a demilitarized open city could be advantageous to the peace process in Bosnia and Herzegovina.

The talks

8. Talks among the three sides to the conflict in Bosnia and Herzegovina were held at Geneva from 2 to 4 January 1993. The delegations were represented at the highest political and military levels. Also present were President Cosic of the Federal Republic of Yugoslavia with a delegation and President Tudjman of Croatia with a delegation. A list of the participants is set out in annex I to the present document.

9. This was the first time since the Co-Chairmen began their activities at Geneva on 3 September 1992, that the three sides to the conflict in Bosnia and Herzegovina had sat down together around the table for peace talks.

10. In their opening address to the talks, on 2 January, the Co-Chairmen, Cyrus Vance and Lord Owen, appealed to the participants: "This is a historic meeting. It is our best chance for peace and we must ensure that it succeeds. From the beginning, we have sought to work together with you in the quest for peace. Now, for the first time, we have the leaders of all delegations assembled here, together with their political and military advisers. You can act decisively to bring an end to the plight of the people of Bosnia and Herzegovina who have suffered so grievously". The Co-Chairmen stressed the importance of Sarajevo as an "open city". The remarks of the Co-Chairmen are annexed to the present document (see annexes II and III).

11. The Co-Chairmen placed before the delegates a draft map on the delimitation of 10 provinces in Bosnia and Herzegovina (see annex V, appendix), as well as a set of constitutional principles to underlie the future constitutional framework of Bosnia and Herzegovina (see annex V). The Co-Chairmen also circulated a paper prepared by the International Committee of the Red Cross showing the numbers and locations of prisoners held by the three sides in Bosnia and Herzegovina and urged their immediate release (see annex IV).

12. At the opening session of the talks, the leaders of the five delegations all made statements signalling their desire for peace in Bosnia and Herzegovina and promising to cooperate with the Co-Chairmen. Following these opening statements, the talks continued in two working groups. Working Group I, chaired by Mr. Martti Ahtisaari, considered the draft map on the provincial structure and the constitutional principles. Working Group II, chaired by the United Nations Protection Force Commander, Lieutenant-General Satish Nambiar, discussed issues related to observance of a cessation of hostilities.

Activities of Working Group I

13. Working Group I held meetings on 2, 3 and 4 January 1993. Individual, bilateral and trilateral meetings were also conducted by Mr. Ahtisaari. The meetings all proceeded in an in-depth manner, without invective. Mr. Ahtisaari and the Co-Chairmen made extensive and determined efforts to bring the parties closer together on the delimitation of provinces and constitutional principles.

14. In the light of the discussions in the Working Group and of contacts with the delegations, Mr. Ahtisaari and the Co-Chairmen drew up and placed before the parties on 4 January a draft agreement relating to Bosnia and Herzegovina (see annex V). It dealt with the delimitation of provinces, a constitutional framework for Bosnia and Herzegovina and cooperation in respect of humanitarian efforts. Appended to it was a map suggesting a future provincial structure for Bosnia and Herzegovina.

Activities of Working Group II

15. Working Group II held meetings on 2, 3 and 4 January 1993. The deliberations proceeded in a constructive atmosphere. The Group discussed the following items: principles of cessation of hostilities; restoration of infrastructure; opening of routes and freedom of movement; separation of forces; demilitarization of Sarajevo.

16. At the first meeting, on 2 January, the Chairman invited the delegations to make introductory presentations. Subsequently, at the start of the discussion on each item, General Nambiar raised issues on which he invited each delegation to comment in turn. In the light of their reactions, he prepared and submitted to the Working Group, on 4 January, elements of an agreement for peace in Bosnia and Herzegovina that would consist of an introductory part and annexes on the following points:

1. Measures for the achievement of an unconditional cessation of hostilities throughout Bosnia and Herzegovina.
2. Measures for the restoration of infrastructure in Bosnia and Herzegovina.
3. Measures on the opening of routes.
4. Arrangements on the separation of forces.
5. Measures for the demilitarization of Sarajevo.
6. Measures for the monitoring of the borders of Bosnia and Herzegovina.
7. Return of forces to designated provinces.

17. Following discussion of these elements in the Working Group, General Nambiar produced a revised version of the document, which he presented at the plenary session of the peace talks on 4 January. He stated that, in his view, the document represented a reasonable and constructive approach to dealing with the issues discussed in the Working Group. The Chairman's framework agreement for peace in Bosnia and Herzegovina is reproduced in annex VI to the present document.

Plenary session on 4 January 1993

18. At a plenary session of the talks on 4 January, the Co-Chairmen reminded the participants that the success or failure of the talks depended primarily on them. The ultimate choice was theirs: peace or war. The Co-Chairmen explained that they had reached a stage where they believed that they should put to the parties a comprehensive package that would form the basis for a fair, just and lasting peace. They therefore asked the delegations to sign the documents contained in annexes V and VI to the present report, which they explained, were inextricably linked. They explained, further, that if, at any time, the three parties proposed agreed changes in either of the two papers or the provincial map, those changes would be incorporated.

19. The Co-Chairmen expressed the hope that all three parties would sign the two documents. However, if any party wished to think about the issues involved overnight, they would be ready to hold another plenary session on Tuesday, 5 January. Alternatively, if one or more parties wished to take the document back for consultations, a further plenary meeting would be called in Geneva on Sunday, 10 January, at 11 a.m. after the recess for the Orthodox Christmas.

20. Some of the parties asked for further discussions on parts of the two documents proposed by the Co-Chairmen, a well as on the map. Accordingly, it was decided that the Conference would recess until Sunday, 10 January, at 11 a.m. The Co-Chairmen urged most strongly that there be maximum military restraint in the intervening days. They also urged maximum restraint in the participants' public statements.

Concluding observations

21. The peace talks represented a historic step forward in the pursuit of peace in Bosnia and Herzegovina. Discussions took place on the three critical components for achieving peace in Bosnia and Herzegovina: the constitutional principles; the delimitation of provinces; and arrangements for implementing and monitoring a cessation of hostilities.

22. All the delegations participating in the talks pledged their cooperation with the Co-Chairmen in the search for peaceful solutions. The peace process has thus taken on a qualitatively new dimension. Henceforth, it should be easier to establish clearly who is cooperating and who is not. I believe that the Security Council should let it be known clearly to all sides in Bosnia and Herzegovina that it is their duty to cooperate with the Co-Chairmen in bringing the conflict in Bosnia and Herzegovina to an end swiftly, and that there would be penalties for obstruction.

23. In view of the ongoing talks in Geneva, it remains my sincere belief that, if the Council decides to adopt a resolution enforcing the ban on non-authorized flights over Bosnia and Herzegovina, it would be helpful if its implementation could be delayed for a reasonable period of time.

ANNEX I

Composition of delegations

Bosnian Croat

Mate Boban
Mile Akmadzic
Commander Milivoj Petkovic

Bosnia and Herzegovina

Alija Izetbegovic
Haris Silajdzic
Commander-in-Chief Sefar Halilovic
Kasim Trnka
Hajruddin Somun

Bosnian Serb

Radovan Karadzic
General Ratko Mladic
Aleksa Buha
Vladimir Lukic
Sveto Plavsic

Federal Republic of Yugoslavia

Dobrica Cosic
Svetozar Stojanovic
Ljubisa Rakic
Vladimir Pavicevic
Dragoslav Rancic
Radovan Radinovic

Croatia

Franjo Tudjman
Gojko Susak
Jure Radic
General Anton Tus
Neven Madey

ANNEX II

Opening statement of Mr. Cyrus Vance

This is an historic meeting. It is our best chance for peace and we must ensure that it succeeds. From the beginning we have sought to work together with you in the quest for peace. Now, for the first time, we have the leaders of all delegations assembled here, together with their political and military advisers. You can act decisively to bring an end to the plight of the people of Bosnia and Herzegovina, who have suffered so grievously.

The process we are starting today can make the difference between peace and war; between life and death for thousands of people. Those gathered around this table have it in their power to prevent us from sliding into escalation, or expansion, of the conflict. You, the leaders around this table, can control what comes next. Peace can come about only with your cooperation. We, in the International Conference, are here to assist you; the decision to choose peace or war rests with you.

It is your historic responsibility to see to it that peace prevails. We therefore welcome you and thank you for accepting our invitation to join us in these peace talks.

Peaceful solutions are within our grasp. The groundwork has been laid within the International Conference in the form of the principles agreed to, and the commitments made by all of the parties, many of which have unfortunately not been fulfilled. The road to peace lies in implementation of these principles and commitments. Time is running short.

We expect that the outcome of the process starting today will be the achievement, and consolidation, of tangible measures for peace. Let us, in this regard, remind you of the principles and commitments that already unite you:

(a) You agreed to the principles adopted by the International Conference on 26 August 1992. You committed yourselves that all parties should cease fighting and should engage actively in negotiations. You agreed on respect for the highest standards of human rights and on non-recognition of advantages gained by force;

(b) You agreed in London to the statement on Bosnia adopted on 27 August 1992. It calls, *inter alia*, for a full and permanent cessation of hostilities; recognition of Bosnia and Herzegovina by the former Yugoslav republics; respect for the integrity of present frontiers, unless changed by mutual agreement; guarantees for the rights of all national communities and minorities; and the establishment of democratic and legal structures in Bosnia and Herzegovina;

(c) The three Bosnia and Herzegovina sides agreed to participate continuously and unconditionally in negotiations for the achievement of a cessation of hostilities and a constitutional settlement;

(d) The three Bosnia and Herzegovina sides also agreed to the unconditional and unilateral release, under international supervision, of all civilians detained, and the closure of detention camps without delay. To date, 137 prisoners have been released by the Bosnian Government; 5,040 have been released by the Bosnian Serbs; and 357 have been released by the Bosnian Croats. Unfortunately, 2,757 prisoners are still known to be held in captivity. According to the International Committee of the Red Cross, 887 prisoners are still held by the Bosnian Government; 1,333 prisoners by the Bosnian Serbs; and 537 by the Bosnian Croats. A paper is being circulated to you which provides further information on where the detainees are being held. Your immediate release of all detainees is essential. It would not only be an indication of your peaceful intentions, but could also help to stop the drums of war, which are beating so loudly around us as we meet here today;

(e) The three sides agreed, on 30 September 1992, to the establishment of a Mixed Military Working Group to discuss the demilitarization of Sarajevo, the cessation of hostilities in Bosnia and Herzegovina and other military issues. Talks to achieve these objectives have been going on in Sarajevo since October and 17 meetings of the Mixed Military Working Group have so far been held;

(f) The three sides also agreed, with effect from 12 November 1992, to an unconditional cease-fire throughout Bosnia and Herzegovina. On 13 December, you reaffirmed your commitment to the unconditional cease-fire a commitment which has not been realized fully;

(g) The three sides have made political and moral commitments to allow humanitarian assistance to reach all civilians in need.

We are assembled here today to bring about the implementation of these agreements.

In our letter inviting you to this meeting, we stated that our objectives were:

"to discuss a sustainable cessation of hostilities; the demilitarization of Sarajevo; an agreement on a pull-back from the military front line in a way which reinforces and goes with the grain of an overall political settlement; ensuring free access of all citizens in and out of besieged cities and towns; and the free movement of humanitarian aid".

In this regard, let us remind you of the following points:

(a) The drafting of a new constitution for Bosnia and Herzegovina is vital for the future of the country. The re-establishment of peace, assured respect for human and minority rights and the future institutional structure of the country depend upon it. Within the Working Group on Bosnia and Herzegovina, chaired by Mr. Ahtisaari, you have had extensive opportunities to offer suggestions on the constitutional principles and structures that should underlie future institutional arrangements in Bosnia and Herzegovina. Out of this process, 10 principles have been distilled concerning the constitutional framework for Bosnia and Herzegovina. They will be circulated to you later. Our task in these meetings will be to confirm these principles and to convert these principles as rapidly as possible into the full text of a constitution;

(b) You have had opportunities to offer your views, and to provide corresponding maps, on the delimitation of provinces. Discussions on maps have been taking place at the highest levels in recent days. In the light of those discussions, and in response to your wishes, we will be circulating to you a map indicating a proposed delimitation of the provinces (see annex V, appendix). A crucial task of our meetings is to finalize such a map;

(c) Within the Mixed Military Working Group, which has been meeting in Sarajevo since October, various measures have been discussed with regard to the implementation of the cease-fire accord of 12 November, and related humanitarian issues. Our task at these meetings will be to reach specific agreements for the observance of the cessation of hostilities, for monitoring it, and on measures that can help to relieve the plight of civilians. The designation of Sarajevo as an open city is one of the important ideas that have been suggested and we hope that the highest priority will be given to it.

Let us now turn to the organization of our work. We shall first give the floor to the heads of the three Bosnia and Herzegovina sides, followed by the heads of the other two delegations.

After these statements, the two Working Groups will commence their work. Mr. Ahtisaari will chair Working Group I. General Nambiar will chair Working Group II.

At the opening of Working Group I, the Chairman will describe the map circulated on the proposed delimitation of provinces and will explain the 10 proposed constitutional principles. The Chairman will then lead the discussions towards the finalization of the map and the constitutional principles, as well as the establishment of a mechanism for preparing a full constitution.

At the opening of Working Group II, the Chairman will invite discussions on measures for the designation of Sarajevo as an open city - on which you will be hearing shortly from Lord Owen; measures for the implementation of the cessation of hostilities, for relieving the plight of civilians and for stabilizing the situation in Sarajevo and other parts of Bosnia and Herzegovina.

The two Working Groups will meet in parallel sessions this afternoon, on Sunday and on Monday. On Monday at 8 p.m. we shall reconvene in plenary session to consider the recommendations of the two Working Groups, which shall be presented by their Chairmen. We shall continue in plenary session on the morning of Tuesday, 5 January, when, we hope that progress will be reached on the issues mentioned earlier.

Finally, on humanitarian matters, we appeal to you to do everything possible to facilitate access of the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to civilians in need. We also appeal to you to increase your efforts in order to ensure security for humanitarian convoys and relief staff. Their security, and the need to respect their humanitarian mission, is a major concern of the international community. We also invite you to give particular attention to ensuring that humanitarian relief reaches, and is used for the benefit of, those for whom it is intended.

ANNEX III

Opening statement of Lord Owen

We thought it would be helpful in this plenary session if we outlined how we saw the two Working Groups proceeding. Their work is interrelated, but there is also a lot of detailed work which has to take place on which progress can be made independently. The Co-Chairmen intend to move between the two Working Groups and will in this way hope to minimize any problems of overlap.

As to the maps which you should now all have in front of you, there are 10 suggested provinces. We have sought to arbitrate on many conflicting claims and we have been very conscious of the need to follow the criteria that we established on 27 October 1992. "Boundaries of provinces to be drawn so as to constitute areas as geographically coherent as possible, taking into account ethnic, geographical (i.e. natural features, such as rivers), historical, communication (i.e. the existing road and railroad networks), economic viability and other relevant factors." We have had to choose between conflicting claims and we cannot stress enough how vital it is that everyone accepts that there cannot be agreement without compromise, sometimes painful compromise.

In connection with the attached map (see annex V, appendix), it is proposed that a number of "throughways" be established, in respect of which the parties agree and will guarantee full freedom of movement and in respect of which the United Nations Protection Force (UNPROFOR) or another appropriate international force will, until the Constitution enters into force and for a period thereafter:

(a) Patrol these roads in order to ensure that the free flow of traffic is not obstructed by any provincial or other authorities;

(b) Control the crossings of these roads from one province into another to ensure that military forces or specified war *matériel* do not move through such crossings.

These provisions must be understood in the context of the proposed constitutional principle that "full freedom of movement shall be allowed throughout Bosnia and Herzegovina".

We are proposing the following "throughways":

1. On the road from Banja Luka to Bijeljina as it passes through Province 3, which we understand might be called Posavina Province.

2. On the road from Bihac to Livno as it passes through Province 2, which we understand might be called Banja Luka Province.

3. On the road from Ljubinje to the port of Neum as it passes through Province 8, which we understand might be called Mostar Province.

4. On the road from Sekovici to Han Pijesak as it passes through Province 5, which we understand might be called Tuzla Province.

5. If the road from Pale to Jahorina is extended so as to cross the road from Trnovo to Foca and to proceed to Kalinovik, it is envisaged that a "throughway" would be established, or a land corridor negotiated, where it proceeds through Province 7, Sarajevo Province. A "throughway" would also be established for the Trnovo to Foca road through Province 6, which we understand might be called East Herzegovina Province.

We envisage all the provinces except Sarajevo as having separate legislatures elected by normal democratic methods. In Sarajevo, the capital city, we believe that there would be considerable merit to underline its position as an "open city" if the three major "ethnic" groups as the constituent units of the State were represented in the Government of the province in the same way that we have proposed they should be represented in the presidency of the country. The boundaries of Sarajevo Province that we propose would be the existing boundary, less the *opstina* of Pale but with the addition of Kresevo, part of Kiseljak and Visoko.

We believe that Sarajevo should be demilitarized at the earliest possible date, and we hope that the detailed discussions that have already taken place in the Mixed Military Working Group can now be brought to the point of agreement. The area of separation in the western and southern districts of Sarajevo provides for the withdrawal of heavy weapons and is linked to an absolute cease-fire, cessation of hostilities, freedom of movement for all civilians and the restoration of public utilities. Three free passage routes ("blue routes") have been proposed with mutually agreed measures to guarantee and ensure the safe passage and free movement of civilians and humanitarian aid to and from Sarajevo. These routes would effectively lift the blockade of the city and establish free movement between Sarajevo and Zenica, Mostar and Zvornik.

After the cessation of hostilities the concept of "blue routes" for crossing existing confrontation lines will have to be extended to cover the whole country until free passage on all roads is established. Also there will be an urgent need for action to restore public utilities. Maintenance of the peace will in part depend on preventing the further introduction of military personnel, heavy weapons and ammunition for such weapons. Under Security Council resolution 787 (1992) the deployment of United Nations observers to border crossing-points has been authorized, and it will be necessary for them to observe, search and report on cargoes transiting the borders. The responsibility for preventing the movement of any such personnel and weaponry will lie with legal authorities in Croatia and in the Federal Republic of Yugoslavia (Serbia and Montenegro). While it will not be possible to deploy the full resources required for such a task immediately, priority will be accorded to deploying available observers to major crossing-points.

Separation of the armed forces throughout Bosnia and Herzegovina will have to be negotiated in the light of the boundaries of the new provinces. It is envisaged that there will be no military forces in Sarajevo Province. Bosnian-Serb forces might withdraw to Provinces 2, 4 and 6. Bosnian-Croat forces could be deployed in Province 3, and the remaining forces would hopefully reach agreement as to their deployment in Provinces 1, 5, 8, 9 and 10. Under our constitutional principles (Principle No. 8) Bosnia and Herzegovina is to be progressively demilitarized.

Sadly, some of the boundaries of provinces will inevitably be treated as a front line with roadblocks and other manifestations of confrontation but as confidence in the cessation of hostilities grows, it would be hoped that the barriers will soon come down. Confidence-building measures will have to be developed along with the corralling, United Nations supervision and eventual dismantling of much of the heavy weaponry.

This is a comprehensive agenda that faces us over the next few days but we hope that we will nevertheless be able to settle on heads of agreement before we recess.

The ban on military flights over Bosnia and Herzegovina would continue with only Casevac and Medevac flights allowed and all combat aircraft grounded. But it would be hoped that UNHCR and UNPROFOR flights to Sarajevo will be extended to Cazin, Banja Luka and Tuzla airports and communications flights for government officials will be authorized.

Interim measures for the government of the provinces, the government of the country and the establishment of the presidency will have to be agreed.

Once the new constitution is agreed upon and a stable peace and normal civil life has been established, elections will be instituted under United Nations/European Community supervision.

ANNEX IV

Unconditional and unilateral release of all prisoners

(*Paper presented by the International Committee of the Red Cross*)

1. During the London session of the International Conference and pursuant to a subsequent agreement signed at the International Committee of the Red Cross (ICRC) headquarters on 1 October 1992, the parties to the conflict agreed to release all prisoners. Today, the situation is as follows:

Prisoners held by the Bosnian Government: 137 released, 887 still held
Prisoners held by Bosnian Croats: 357 released, 537 still held,
Prisoners held by Bosnian Serbs: 5,040 released, 1,333 still held.

2. The release process came to a standstill after the Bosnian Serbs released all prisoners held at Manjaca, except 532 who were transferred to Batkovic (camp closed on 18 December) and the two other parties did not release all their prisoners as promised during talks with President Sommaruga on 9 December. The respective positions are as follows:

(*a*) The Bosnian Government says it stands ready to release all prisoners, except war criminals, after an amnesty has been proclaimed. The following places of detention are concerned:

Held by the Government of Bosnia and Herzegovina:

Bihac	7
Breza	1
Konjic	106
Tarcin	285
Tuzla	135
Tesanj	9
Travnik	3
Visoko	62
Zenica	279

(*b*) The Bosnian Croats claim that 537 prisoners were transferred out of Manjaca before the closure of the camp and that they are not holding any prisoners themselves. In reality the situation is as follows:

Held by Bosnian Croat authorities:

Livno	120 (civilians assigned to residence)
Mostar Rodoc	9
Orasje	161
Rascani	247 (civilians assigned to residence)

With the exception of the 131 prisoners who were reportedly exchanged near Sokolac, the prisoners were visited by ICRC in Batkovic.

(*c*) The Bosnian Serbs claim that they have made enough unilateral gestures. They still hold the following prisoners:

Held by Bosnian Serb authorities:

Banja Luka Tunjice	54
Batkovic	1 163
Doboj	97
Kotor Varos	18
Manjaca	-
Vlasenica	1

In view of the promise made by each party, the closure of all the above places of detention can no longer be contingent on considerations of reciprocity. All the prisoners must be released under ICRC auspices in unilateral and unconditional operations. It is also of utmost importance that all three parties to the conflict provide ICRC with proper notification of all other prisoners they hold and give the necessary facilities so that immediate visits can be made to all prisoners held within Bosnia and Herzegovina.

ANNEX V

Draft agreement relating to Bosnia and Herzegovina

THE UNDERSIGNED,

Guided by the principles of the Charter of the United Nations the Universal Declaration of Human Rights and the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities,[3] *Recalling* the Statement of Principles and the statement on Bosnia adopted by the International Conference on the Former Yugoslavia at its session in London and the Programme of Action on Humanitarian Issues agreed to at that session,

Considering the decisions of the United Nations Security Council relating to the former Yugoslavia,

Reaffirming their commitment to peace and security among the successor States to the former Yugoslavia,

Hereby agree as follows:

I. *Delimitation of provinces*

The delimitation of Bosnia and Herzegovina into provinces shall be in accordance with the attached map.

II. *Constitutional framework for Bosnia and Herzegovina*

Tripartite negotiations shall proceed on a continuous basis in Geneva, under the auspices of the International Conference on the Former Yugoslavia, in order to finalize a constitution for Bosnia and Herzegovina in accordance with the following principles:

(1) Bosnia and Herzegovina shall be a decentralized State, with most governmental functions carried out by its provinces.

(2) The provinces shall not have any international legal personality and may not enter into agreements with foreign States or with international organizations.

(3) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways.

(4) The Constitution shall recognize three "constituent peoples", as well as a group of "others".

(5) All matters of vital concern to any of the constituent peoples shall be regulated in the Constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group.

(6) The provinces and the central Government shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The Presidency shall be composed of three elected representatives each of the three constituent peoples. The initial elections are to be held under United Nations/European Community/Conference on Security and Cooperation in Europe supervision.

(7) A Constitutional Court, with a member from each group and a majority of non-Bosnian members initially appointed by the International Conference on the Former Yugoslavia, shall resolve disputes between the central Government and any province, and among organs of the former.

(8) Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision.

(9) The highest level of internationally recognized human rights shall be provided for in the Constitution, which shall also provide for the insurance of implementation through both domestic and international mechanisms.

(10) A number of international monitoring or control devices shall be provided for in the Constitution, to remain in place at least until the three constituent peoples by consensus agree to dispense with them.

III. *Cooperation in respect of humanitarian efforts*

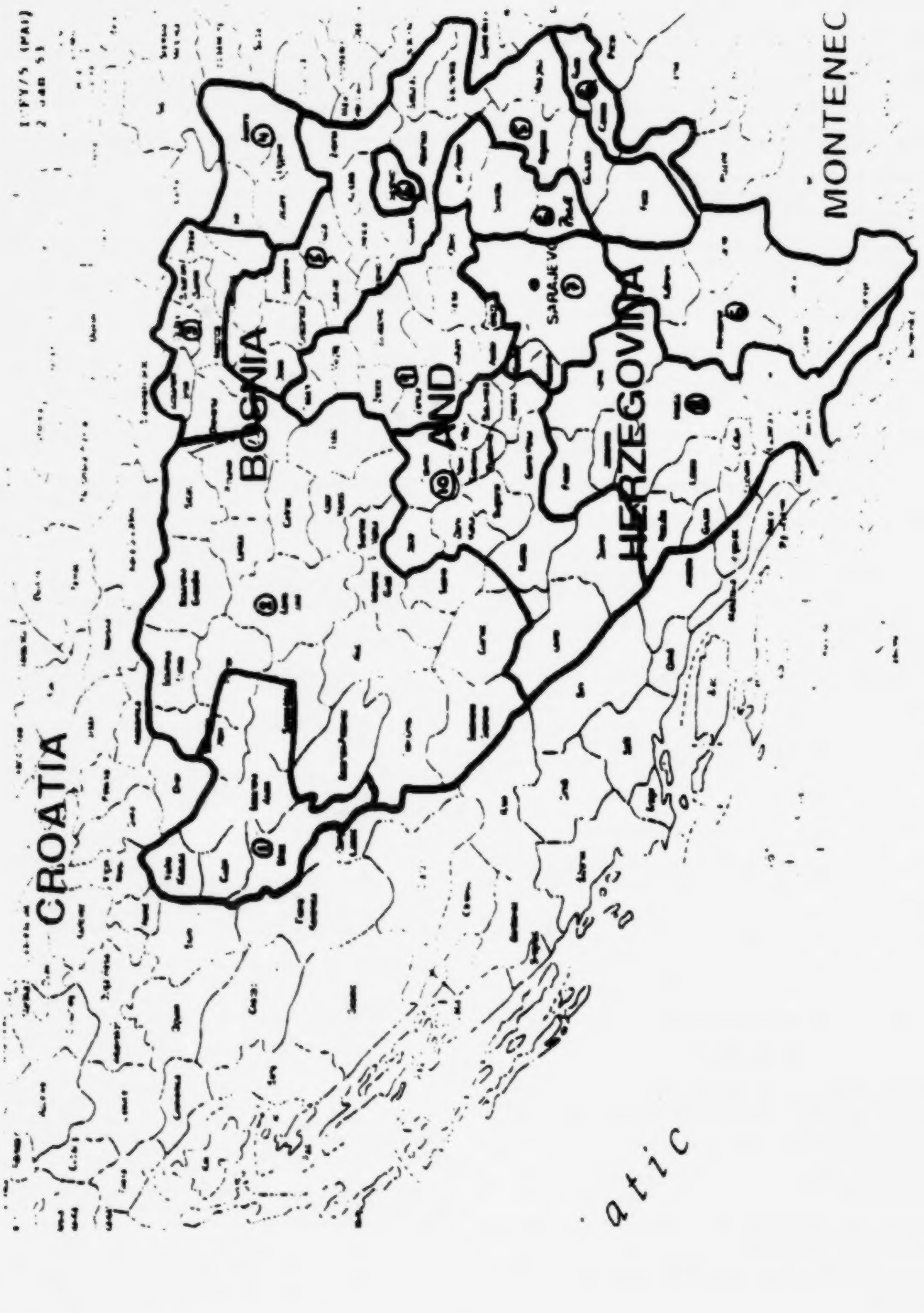
1. Maximum cooperation shall be extended to the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the United Nations Protection Force, the European Community Monitoring Mission, and other humanitarian organizations working to provide assistance to refugees and displaced persons.

2. Full cooperation shall also be extended to the High Commissioner for Refugees in drawing up and implementing programmes for the return of refugees and displaced persons to their homes.

IZETBEGOVIC KARADZIC BOBAN

Witnessed by:

VANCE OWEN


CROATIA
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AND
HERZEGOVINA
MONTENEC
SARAJEVO
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ANNEX VI

Agreement for peace in Bosnia and Herzegovina

THE UNDERSIGNED,

Welcoming the invitation of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to participate in talks for the restoration of peace in Bosnia and Herzegovina,

Taking account of the constructive atmosphere of the peace talks held at Geneva from 2 to 5 January 1993 and the assistance of the Force Commander of the United Nations Protection Force, Lieutenant-General Satish Nambiar,

Keeping in mind the principles of the International Conference and the resolutions of the United Nations Security Council, in particular resolutions 752 (1992) and 787 (1992) pertaining to withdrawal of all outside forces from Bosnia and Herzegovina,

Wishing to bring the conflict in Bosnia and Herzegovina to an end without any further delay and to re-establish peace throughout the country,

Desiring to work out arrangements for bringing about compliance with a cessation of hostilities, and for monitoring it so as to ensure that it is effective and lasting,

Hereby agree on the following:

1. Measures for the achievement of an unconditional cessation of hostilities throughout Bosnia and Herzegovina, as set out in annex I to the present agreement;

2. Measures for the restoration of infrastructure in Bosnia and Herzegovina, as set out in annex II to the present agreement;

3. Measures on the opening of routes, as set out in annex III to the present agreement;

4. Arrangements on the separation of forces, as set out in annex IV to the present agreement;

5. Measures for the demilitarization of Sarajevo, as set out in annex V to the present agreement;

6. Measures for the monitoring of the borders of Bosnia and Herzegovina, as set out in annex VI to the present agreement;

7. Return of forces to designated provinces, as set out in annex VII to the present agreement.

Sefar Halilovic
Ratko Mladic
Milivoj Petkovic

Witnessed by:

Radovan Radinovic
Anton Tus

Cyrus Vance
David Owen

[*Annex I*]

Cessation of hostilities

BROAD PRINCIPLES

All parties agree to support the broad principles required to support a cessation of hostilities. These broad principles will be translated into concrete action through additional discussion within the Mixed Military Working Group. Several of the principles will be dealt with on a stand-alone basis, although they remain an integral part of the overall framework of the cessation of hostilities.

The broad principles are:

A cease-fire must be put in place and remain effective. This is to be implemented 72 hours from the time of signature of the agreement.

Monitoring and control measures are to be put in place to ensure compliance and should include as a minimum:

- Links between Commanders in conflict areas (hot lines)
- Provision of United Nations Protection Force/European Community Monitorin Mission liaison and monitors
- Establishment of joint crisis management teams
- Opening of confrontation line crossing-points, for use by the United Nations Protectio Force and monitoring agencies

The separation of forces is to be achieved.

Routes supporting the general freedom of movement of people, commerce an humanitarian aid are to be opened.

The restoration of infrastructure will proceed as a priority. Restoration will not be linked to any negotiations.

ESSENTIAL ELEMENTS

- Signature of declaration - initiates all follow-on action (D-3). The 72 hours permit passage of information;
- Cessation of hostilities (D-Day);
- Declaration of forces - this is to take place on D-l and should include:
    - Numbers and locations of all heavy weapons;
    - Detailed documentation of minefields;
    - Location of front lines (traces);
    - Defensive works and positions;
- Establish demarcation line (joint activity;
- Move in United Nations Protection Force forces to establish security (commencing D + 1);
    - Monitor lines of conflict;
    - Monitor heavy weapons;
    - Establish reporting system (all parties);
- Withdrawal of heavy weapons;
    - Of calibre 12.7 mm and above; 5 days for Sarajevo and 15 days for remaining areas;
    - Locations to be determined based on effective ranges of weapon systems;
    - All such withdrawals to be supervised by the United Nations Protection Force and subsequently monitored at the designated locations by the Force in order to prevent their use;
- Separation of forces;
    - Abandon defensive works on confrontation line;
    - Area of separation to be agreed;
    - Distance in which no forces, except police, allowed;
    - Distance within which no defensive works will be manned.

The separation of forces and withdrawal of heavy weapons are linked.

The Mixed Military Commission is established to deal with any clarifications and breaches of the cessation of hostilities.

[*Annex II*]

Restoration of infrastructure

All parties agree that denial or use of civil utilities as a weapon of war is unacceptable, and all affirm their commitment to the full restoration of the civil infrastructure across Bosnia and Herzegovina, and in particular, Sarajevo.

The provision of humanitarian aid cannot be linked in any way with the military steps of the process of demilitarization or cessation of hostilities. Being humanitarian in nature, its priority is strictly governed by the ability of all three parties to support its implementation.

Restoration will be the first priority. Therefore, immediate efforts must be placed on the restoration of infrastructure. This is equally applicable to the city of Sarajevo as well as the rest of Bosnia and Herzegovina. It includes where applicable:

Power grids
Power stations
Bridges
Gas
Telecommunications
Railway lines
Routes
Water supply

Guarantees of security will be requested and must be provided and the restoration of power/water/heat will be fully supported by the warring parties.

A joint committee is already in place in Sarajevo; the work of this committee is to be facilitated with immediate effect to enable early restoration of utilities in Sarajevo.

Assistance will be provided through all the appropriate agencies, including United Nations and civilian expertise. However, within Bosnia and Herzegovina, a joint commission composed of representatives of all sides is to identify the priorities, define the needs and execute the work in conjunction with civil authorities. To this end, vital installations will be identified in conjunction with the Bosnia and Herzegovina joint commission:

- Access will be guaranteed after local arrangements are made;
- Forces will be withdrawn from sites consistent with security;
- Warring parties will provide, when necessary, liaison for the repair teams;
- Civil agencies/workers will be assisted.

Parties will work to re-establish infrastructure, including railways/power grids/water supplies, across borders with neighbouring republics.

Respect for infrastructure facilities must be developed and they must remain free from attack or use as defensive positions.

All parties agree to develop a common instruction for passage down chains of command to demonstrate an equal endorsement of support.

[Annex III]
Opening of routes

The opening of routes is directly related to the political issue which concerns the freedom of movement of all people in the context of constitutional principles. It is equally applicable to Sarajevo as well as all other areas of Bosnia and Herzegovina.

It is to be achieved through:

Security guarantees by all parties to ensure non-interference and protection of personnel and material using the routes;

Non-interference on the route;

Checkpoints, patrols, and monitoring by the United Nations Protection Force/European Community Monitoring Mission, as appropriate;

Supervised inspection at entry points;
Freedom of passage of humanitarian aid;
Absolute freedom of movement of United Nations forces.

The concept of "blue routes" for Sarajevo is appended hereto. This format is applicable for the establishment of all other similar types of routes within Bosnia and Herzegovina. Additional routes can be negotiated under the aegis of the Mixed Military Working Group.

Appendix
Sarajevo "blue route" concept

The parties have decided to establish three free-passage routes with mutually agreed measures to guarantee and ensure safe passage for freedom of movement of civilians, commercial goods and humanitarian aid to and from Sarajevo.

These routes are:
- Sarajevo-Zenica-Sarajevo
- Sarajevo-Mostar-Sarajevo
- Sarajevo-Zvornik-Sarajevo

Outline plan for "blue routes"

1. *Execution*

1.1 *Prerequisites*.

The following are the prerequisites:

1.1.1 Cessation of hostilities

1.1.2 Complete freedom of movement for UNPROFOR forces on the three "blue routes"

1.2 *Use of the "blue routes"*

1.2.1 *Timings*

Routes will be open during daylight hours for convoys. The UNPROFOR forces will use the routes 24 hours each day.

1.2.2 *Access for civilians*

All civilians, regardless of sex, age or ethnic origin, and without weapons or ammunition, will be allowed to use the routes. Private and commercial vehicles will also be permitted on each route subject to inspection outlined in paragraph 1.5.1 below.

1.2.3 *Access for humanitarian aid*

All international and local humanitarian aid agencies will be allowed to use the routes. Humanitarian aid includes, but is not limited to, food, water, medical supplies and fuel.

1.2.4 *Access for commercial goods*

Normal commerce will be progressively restored to and from Sarajevo.

1.3 *Establishment of routes*

1.3.1 *Sarajevo-Zenica-Sarajevo*

This route incorporates Sarajevo-Rajlovac-Ilijas-Visoko-Zenica.

1.3.2 *Sarajevo-Mostar-Sarajevo*

This route incorporates Sarajevo-Ilidza-Hadzici-TarcinJablanica-Mostar.

1.3.3 *Sarajevo-Zvornik-Sarajevo*

This route incorporates Sarajevo-Bentbasa-Mokro-Sokolac Vlasenica-Zvornik.

1.4 *Checkpoints*

Checkpoints will be established and manned by UNPROFOR forces at the entrance and exit of each route and at the point at which a line of confrontation is crossed. Each UNPROFOR checkpoint will be located near or with the checkpoint of the force controlling the territory involved consistent with the security requirements of the factions. No side will be permitted to erect a new checkpoint.

1.5 *Control measures*

1.5.1 *Inspection procedures*

(*a*) Inspections will be conducted by UNPROFOR forces. Each side ispermitted to monitor the events in close coordination with UNPROFOR.

(*b*) War-related material, weapons or ammunition are forbidden. If found, the items will be confiscated and subsequently destroyed under control of UNPROFOR and the parties.

(*c*) Humanitarian aid convoys may be subjected to inspections. (Note: commercial traffic has been excluded.)

(*d*) Checkpoints will be activated only during daylight hours as a safety measure for civilians and convoys.

1.5.2 *Escorts*

(*a*) Each convoy will be escorted with the appropriate UNPROFOR vehicles.

(*b*) Convoys and escorts will take priority over military activities.

(*c*) The army controlling the territory involved may provide civilian police as an additional means of security.

1.5.3 *Patrols*

(*a*) UNPROFOR forces will patrol the "blue routes" as necessary.

(*b*) Patrols will consist of at least two vehicles suitably equipped and will contain an appropriate communications net.

(*c*) All UNPROFOR patrols will be permitted to cross all checkpoints.

1.6 *Implementation*

1.6.1 *Suggested time-frame*

D-3 - Signature of cessation of hostilities

D+1 - Erecting checkpoints

- Inspection procedures agreed
- Routes cleared of all obstacles
- Repairs carried out as required
- Reconnoitre by UNPROFOR

D+5 - Opening of "blue routes" for civilians and humanitarian aid.

[*Annex IV*]
Separation of forces

The parties agree that the separation of forces is an element of the overall cessation of hostilities. An agreement will be based on the steps and control measures and sequences of events outlined below.

STEPS

The concrete steps envisaged in the process include:

- An absolute cease-fire;
- Temporary freezing of the military situation, pending agreement on return of forces to designated provinces;
- No forward deployments or offensive action;
- No forward movement of additional forces, explosives and weapons will be permitted. Rotation on an individual basis is acceptable;
- Withdrawal of heavy weapons (direct and indirect fire) of all parties from areas of confrontation to areas out of range, decided upon by the parties in conjunction with UNPROFOR;
- Physical separation of forces in contact;
- Security and monitoring of the demilitarized zone.

CONTROL MEASURES

The control measures required include:

- Declaration of forces in being, including location of minefields;
- Monitoring of front lines;
- Declaration of heavy weapons in separation areas;
- Establishing agreed lines on which forces may be located;
- Staged withdrawal of forces culminating in their relocation to designated provinces.

SEQUENCE OF EVENTS

- Cease-fire under aegis of the overall cessation of hostilities;
- Establishment and patrol of the demarcation line by UNPROFOR personnel;
- Withdrawal of designated weapons systems of all parties;
- Search and clearance of the affected area by joint patrols;
- Conduct of joint and United Nations-only patrols within the area; composition of the patrols to be negotiated at the Mixed Military Working Group.

UNPROFOR CONCEPT FOR HEAVY WEAPONS CONTROL

- All heavy weapons of 12.7 mm calibre and above are included;
- These weapons will be withdrawn out of effective range to areas decided between UNPROFOR and the parties;
- The withdrawal will be monitored by UNPROFOR;
- Once in location the weapons will be monitored to ensure that they are not used;
- UNPROFOR will not physically take over the weapons;
- Where terrain such as towns preclude moving weapons out of range, they will be gathered in agreed locations under UNPROFOR control to ensure that they are not used.

[*Annex V*]

Demilitarization of Sarajevo

The demilitarization of Sarajevo is based on one requirement: an effective cessation of hostilities.

The other elements are:

- Establishment of control on a designated line;
- Restoration of civil utilities;
- Land routes and freedom of movement;
- Separation of forces along lines of confrontation.

Control measures include:

- Patrol and monitoring of the demarcation line;
- Checkpoints at major crossings until confidence is restored;
- Mixed patrols in the demilitarized zone.

A military/civil joint commission as previously proposed should oversee the implementation of the accord.

Appended hereto is a draft agreement covering the first stage of a potential agreement on the demilitarization of Sarajevo. This stage covers the airport area as already discussed at the Mixed Military Working Group.

Appendix

Proposed agreement on the first stage of demilitarization of Sarajevo

The authorized representatives of all three conflicting sides in the presence of the UNPROFOR representative agree on the implementation of an area of separation in the western and southern districts of Sarajevo.

Cessation of hostilities

The cessation of hostilities will be implemented as follows:

(*a*) The freezing of the military situation on the existing lines;

(*b*) No offensive action allowed;

(*c*) No forward redeployments;

(*d*) All heavy weapons will be withdrawn from positions from which they can engage;

(*e*) No movement of any additional forces although rotation of personnel on a one-for-one basis shall be permitted;

(*f*) No movement or resupply of ammunition, explosives or incendiary devices.

Freedom of movement for all civilians

The agreement on "blue routes" will re-establish the freedom of movement of all civilians in support of this plan.

Restoration of civil utilities

A joint commission composed of representatives from each side will identify priorities, define needs and execute the implementation of civil utilities. Details can be found in annex II above, concerning the restoration of infrastructure.

Removal of heavy weapons

(*a*) *Area* - All heavy weapons will be withdrawn to designated locations from the following: Mojmilo, Dobrinja, Lukavica, Gornji, Kotorac, Vojkovici, Hrasnica, Sokolovici, Butmir, Ilidza, Otes, Stup, Nedarici.

(*b*) *Joint Commission* - A Joint Commission will be created.

(1) The mission of the Joint Commission will be to execute and implement details of this plan and subsequent phases.

(2) The Joint Commission will be composed of:

a An UNPROFOR command and support element;

b. A team of each side commanded by an officer senior enough to make decisions and designated as the authorized commander for the troops in the area affected;

c. A joint communications system which includes a command net and the necessary guaranteed communications link to each individual headquarters.

(*c*) *Time-frame* - From each district the withdrawal of heavy weapons from the designated area will be carried out in two stages within a period of five days:

(1) Stage 1 - Withdrawal of all direct fire weapons of 12.7 mm calibre and above (tanks, armoured personnel carriers, anti-tank, anti-aircraft and heavy machine-guns);

(2) Stage 2 - Withdrawal of all heavy indirect fire weapons (mortars, field artillery).

(*d*) *Control measures* - The following implementation and control measures will be used:

(1) UNPROFOR forces will patrol the area of separation between the conflicting sides;

(2) UNPROFOR forces will be deployed on the confrontation lines and on agreed mixed checkpoints proposed by the Joint Commission;

(3) All parties are to identify weapons by type and locations and will provide UNPROFOR with detailed maps of areas considered to be under their respective control;

(4) Complete freedom of movement for all UNPROFOR personnel and vehicles within the affected areas;

(5) The Joint Commission will establish mixed patrols as appropriate.

[*Annex VI*]
Monitoring of borders

Pursuant to Security Council resolution 787 (1992), paragraph 5, to prevent interference from outside the Republic of Bosnia and Herzegovina, the United Nations Protection Force/European Community Monitoring Mission will monitor borders with neighbouring republics.

Principles

United Nations Protection Force/European Community Monitoring Mission forces will monitor crossings to prevent weapons, munitions, military personnel or irregular forces from entering the country.

Borders with adjoining republics will be monitored.

UNPROFOR actions to observe, search and report will be facilitated by the authorities of the Republic of Croatia and the Federal Republic of Yugoslavia.

[*Annex VII*]
Return of forces to designated provinces

To enable the process of return to normalcy, and as a direct follow-on from the cessation of hostilities and the separation of forces, a return of forces to designated provinces will be conducted. This can start as part of the withdrawal of heavy weapons but, given the winter weather conditions, it is hard to fix a definite date for the completion of this process. We should however, aim to achieve the return of forces within 45 days.

This stage will be coordinated with an agreed demobilization of forces in being.

The United Nations Protection Force/European Community Monitoring Mission will monitor the withdrawal of these forces in conjunction with national and provincial authorities.

The Mixed Military Working Group will be the technical negotiating agency.

DOCUMENT S/25051

Letter dated 3 January 1993 from the representative of Egypt to the President of the Security Council

[*Original: Arabic*]
[*5 January 1993*]

I have the honour to transmit herewith a letter dated 3 January 1993 from Mr. Amre Moussa, Minister for Foreign Affairs of the Arab Republic of Egypt, replying to the letter dated 27 December 1992 [*S/25041*] from the Minister for Foreign Affairs of the Republic of the Sudan addressed to the President of the Security Council.

I request you to have the attached letter circulated as a document of the Security Council.

(*Signed*) Nabil A. ELARABY
Permanent Representative
of Egypt to the United Nations

LETTER DATED 3 JANUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF EGYPT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the letter dated 27 December 1992 addressed to you by the Minister for Foreign Affairs of the Sudan, which contains a number of allegations aimed at prejudicing Egypt's sovereignty over its territory, I wish, first of all, to convey the concern of the Government and people of Egypt for the historic relations that link the peoples of Egypt and the Sudan and their keen desire to deal with any problem or dispute that may arise, in order to maintain these relations and ties within a framework of the safeguarding of rights in accordance with the existing agreements and respect for the obligations arising out of commitments made.

The Sudanese Government has, in recent times, persisted in stirring up a number of problems for non-objective ends that are at variance with the nature of the relations that link the two fraternal peoples - I almost say the single people - in ways that might be interpreted as the exploitation beyond reasonable measure of the feelings of brotherhood and friendship harboured by the Egyptian people for the fraternal Sudanese people.

The letter dated 27 December 1992 addressed to you by the Minister for Foreign Affairs of the Republic of the Sudan referred to certain so-called "measures" in the Halayib area located north of the international boundary between Egypt and the Sudan and, in its conclusion, requested that Council members should be informed of these developments, which were described as threatening the security and territorial integrity of the area, and that the President of the Security Council should make efforts to restore the situation to its former state.

In this connection, and in order to set the matter straight, I wish to submit to you the following facts:

I. Article I of the Agreement of 19 January 1899 signed by the Government of Egypt and the Government of Britain, as the two administrators of the Anglo-Egyptian Condominium, clearly and unambiguously demarcated the Sudan's northern international boundary with Egypt as follows:

> "The word 'Soudan' in this Agreement means all the territories south of the 22nd parallel of latitude ..."

The representatives of the Egyptian and British Governments signed the Agreement at that time, and this Agreement has to this date remained the sole international document that defines the international boundary between the Sudan and Egypt. This Agreement has not been amended, except by the Supplementary Agreement on the status of the port of Suakin, signed by the representatives of Egypt and Britain on 10 July 1899.

II. On 26 March 1899 and 4 November 1902, the Egyptian Minister of the Interior issued two ministerial decrees placing some of the areas inside the Egyptian international boundary north of the 22nd parallel under Sudanese administration and placing some of the areas inside the Sudanese boundary south of the 22nd parallel under Egyptian administration. That was for humanitarian reasons relating to tribes dispersed on both sides of the international boundary between the two countries and was without prejudice to that line and its status. The Minister of the Interior stated that the goal was to demarcate the areas of the Arab tribes of Egypt and the Sudan for the purpose of administrative work, which emphasizes the provisional administrative nature of these arrangements. Moreover, the person who issued these decisions and the person entrusted with their implementation - the administrator of Aswan - were Egyptian government officials (at that time).

Subsequently, in 1907, an Egyptian amendment to the decree of the Egyptian Minister of the Interior of 1902 was issued, terminating the presence of the Sudanese administration in some of the territory included under the decree of the Minister of the Interior of 1902, and this was, in fact, implemented.

III. Egypt has exercised its sovereignty uninterruptedly over the administrative area north of the 22nd parallel from the signing of the 1899 Agreement up to the present, and this exercise of sovereignty has assumed numerous forms, principally the following:

1. An Egyptian security and administrative presence in the area in all forms.

2. Egypt's responsibility for granting concessions for drilling for minerals in the area to Egyptian and Sudanese companies alike, in addition to Egypt's engagement in mining activities in the area from 1915 up to the present and the establishment of a nature reserve for the protection of plant and animal life there.

3. The official maps of Egypt, from the signing of the Agreement up to the present, show that the 22nd parallel represents the international boundary line between Egypt and the Sudan.

IV. When the Sudan provoked the first crisis concerning the Egyptian-Sudanese boundary in 1958, Egypt agreed, out of concern for relations between the two fraternal countries, to postpone discussion of the problem until such time as conditions in the fraternal Sudan permitted, taking into consideration the Sudanese Government's undertakings not to take the participation of the Sudanese present in the area in the Sudanese elections of 1958 as evidence confirming its sovereignty over those areas. However, contrary to what was stated in the letter of the Sudanese Minister for Foreign Affairs, Egypt did not withdraw any forces from this area. They are actually border guard forces and are stationed on the international boundary between Egypt and the Sudan on a permanent basis.

The circumstances that led to the raising of the problem once again in 1991 was the granting by the Sudanese Government of a petroleum drilling concession in the administrative district to a Canadian company. That is what the Government of Egypt protested against at the time, and the protest caused the Sudanese Government to withdraw the permit granted to the Canadian company.

V. Following the raising of the question of Halayib anew by the Sudanese Government, the Government of Egypt responded to the Sudan's request for the holding of talks through a Joint Commission of the two countries to deal with this question in a friendly atmosphere and within the framework of the historic relations between the two fraternal countries and sent a delegation to Khartoum in March 1992 to participate in the first meeting of the Commission.

The Commission's second meeting was held at Cairo in October 1992, and Egypt was ready to send its representatives to Khartoum to attend the third meeting. However, while awaiting the invitation of the Sudanese side to convene this meeting in January 1993, Egypt was surprised by the Sudanese Government's submission to you of its letter. Egypt considers this a pretext for the Sudan to cease participation in the work of the Joint Commission aimed at settling differences directly and by friendly means.

VI. The Government of the Arab Republic of Egypt considers that the reference in the recent letter of the Minister for Foreign Affairs of the Sudan to "the blatant aggression committed by the Egyptian forces that infiltrated ... on 9 December 1992" is unacceptable. Never, at any time, has there been an Egyptian presence in Sudanese territory south of the 22nd parallel. The Sudan's allegations that "Halayib governorate" is Sudanese territory rests on no legal, historical or factual basis. These allegations, in reality, reveal the Sudan's intentions to turn specific administrative functions entrusted to it pursuant to decrees issued by the Egyptian Minister of the Interior into permanent occupation and annexation of territory that belongs to Egypt legally and historically.

I wish to emphasize that the Egyptian presence within the Egyptian international boundaries north of the 22nd parallel in the above-mentioned area is normal and is a manifestation of Egypt's exercise of sovereignty over its territory, for the purpose of protecting that boundary from any attempts at breaching it, particularly on the part of terrorist elements, whose activity has been on the increase in recent times and could present a threat to the peace and security of the area.

Egypt's position has been and remains to affirm the necessity of discussing any difference with the Sudan within the framework of full commitment to the provisions and principles of international law and of the covenants and agreements endorsed by the two parties.

We build our relations with all States on a basis of reciprocal respect, non-intervention in internal affairs and observance of the norms and principles of good-neighbourliness. Egypt, for its part, will spare no effort to preserve the well-established and long-standing relations with its fraternal neighbour, the Sudan.

(*Signed*) Amre MOUSSA
Minister for Foreign Affairs
of Egypt

DOCUMENT S/25052

Report of the Secretary-General pursuant to Security Council resolution 798 (1992)

[*Original: English*]
[*4 January 1993*]

1. In its resolution 798 (1992) of 18 December 1992, the Security Council took note of the initiative taken by the European Council on the rapid dispatch of a delegation to investigate reports of massive, organized and systematic detention and rape of women, particularly Muslim women, in Bosnia and Herzegovina. In paragraph 3 of that resolution,

the Council requested the Secretary-General to provide such necessary means of support as were available to him in the area to enable the European Community delegation to have free and secure access to the places of detention. In paragraph 5, the Council invited the Secretary-General to report within fifteen days of the adoption of the resolution on measures taken to support the delegation.

2. Between 18 and 24 December 1992, a delegation headed by Dame Anne Warburton, which included Mme Simone Veil and a number of experts in forensic psychiatry, clinical psychology, law, social development and social anthropology, visited Geneva and Zagreb. In the Geneva meetings, the Minister for Foreign Affairs of Ireland, Mr. David Andrews, also participated.

3. The delegation had intensive discussions, *inter alia*, with representatives of the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights of the Secretariat and the Commission of Experts on War Crimes in the former Yugoslavia.

4. Further visits are under consideration. The Secretary-General is awaiting requests for assistance in accordance with paragraph 3 of the above-mentioned resolution. The Commander of the United Nations Protection Force will be asked to provide support to the delegation, in accordance with the resolution, as soon as its requirements are known.

DOCUMENT S/25053

Letter dated 30 December 1992 from the Representative of Viet Nam to the Secretary-General

[*Original: English*]
[*5 January 1993*]

Upon instruction from my Government, I have the honour to request you kindly to circulate as a document of the Security Council, a letter dated 30 December 1992, addressed to you by Mr. Nguyen Manh Cam, Minister for Foreign Affairs of Viet Nam, concerning the recent acts of terrorism and barbarous massacre against Vietnamese residents in Cambodia (see annex).

(*Signed*) TRINH XUAN LANG
Permanent Representative
of Viet Nam to the United Nations

LETTER DATED 30 DECEMBER 1992 FROM THE MINISTER FOR FOREIGN AFFAIRS OF VIET NAM ADDRESSED TO THE SECRETARY-GENERAL

With deep concern, I send you this letter regarding Democratic Kampuchea's repeated acts of terrorism and barbarous massacre against Vietnamese who are living legally in Cambodia.

As you have been aware, at 2130 hours on 27 December 1992, a group of soldiers of Democratic Kampuchea attacked a fishing village along the Tonle Sap River in Kom Pong Tralach district, Kom Pong Chnang province, in search of Vietnamese so as to murder them. There, they killed 14 people, including 12 Vietnamese, and injured 14 others. On 29 December, Mr. Eric Berman, deputy spokesman of the United Nations Transitional Authority in Cambodia (UNTAC), reaffirmed that Democratic Kampuchea's forces were responsible for the above-mentioned massacre.

These acts by Democratic Kampuchea constitute a new massacre in a series of acts of terrorism and massacre against Vietnamese recently, especially since July 1992. These barbarous massacres against Vietnamese residents in Cambodia by Democratic Kampuchea's forces are a challenge to mankind's conscience and international public opinion.

These barbarous acts are in serious violation of the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other related international documents, including the right to security of person provided for in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination[4] and the right of minority communities to safety and protection. These acts are also in extreme flagrant violation of the Paris agreement on Cambodia and the relevant annexes thereto [*see S/23177, annex*].

The Democratic Kampuchea faction's violation of human rights and its obstinate refusal to enter the second phase of the cease-fire in Cambodia have placed the political settlement of the Cambodia problem in very critical danger, challenging the international community and jeopardizing peace and stability in South-East Asia.

The Government of the Socialist Republic of Viet Nam strongly condemns these barbarous acts of terrorism committed by the Democratic Kampuchea faction against innocent Vietnamese residents in Cambodia. The Government of the Socialist Republic of Viet Nam requests the United Nations, UNTAC, the two Co-Chairmen of the International Conference on Cambodia, the signatories to the Paris agreement on Cambodia, as well as the Supreme National Council of Cambodia and the international community to take resolute measures so as to put an immediate end to these bloody acts by the Democratic Kampuchea faction.

I am confident that, with your authority and responsibility, you will take urgent and strong steps so as to put an end to the serious violation of human rights being committed by Democratic Kampuchea in Cambodia and compel it to implement the Paris agreement on Cambodia.

(*Signed*) NGUYEN MANH CAM
Minister for Foreign Affairs
of Viet Nam

DOCUMENT S/25055

Letter dated 5 January 1993 from the representative of Iraq to the Secretary-General

[*Original: Arabic*]
[*6 January 1993*]

On instructions from my Government and further to our letters of protest, most recently that circulated as document S/25033, concerning violations of Iraqi airspace by United States aircraft and the dropping of heat flares by them on certain areas, I have the honour to inform you that at 1025 and 1040 hours on 26 December 1992 such aircraft dropped heat flares to the south of the lake formed by Saddam Dam.

The persistence of United States aircraft in dropping heat flares once again confirms the fact that the United States Government is continuing to inflict injury on Iraq and its people and to encroach on its sovereignty and security, and it constitutes a flagrant violation of international law and international covenants on the part of the United States Government.

The Government of the Republic of Iraq, once again affirming that the United States Government is to be held fully responsible for engaging in internationally prohibited acts, calls upon the Security Council to condemn such acts and to urge the United States Government to desist therefrom and make reparation for the material damage sustained by Iraq and its people thereby.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

DOCUMENT S/25056[*]

Letter dated 30 December 1992 from the representatives of the Russian Federation and the United States of America to the Secretary-General

[*Original: English/Russian*]
[*6 January 1993*]

We have the honour to send you herewith the text of the joint statement on El Salvador of 28 December 1992 by the Department of State of the United States of America and the Ministry of Foreign Affairs of the Russian Federation.

We would appreciate the distribution of the text of the present letter and the joint statement as a document of the General Assembly and of the Security Council.

(*Signed*) Edward J. PERKINS
Permanent Representative of
the United States of America
to the United Nations

(*Signed*) Yuliy M. VORONTSOV
Permanent Representative of
the Russian Federation to
the United Nations

TEXT OF THE JOINT STATEMENT

The Russian Federation and the United States of America, whose constructive interaction on Central American issues the last several years has helped defuse tensions in this area, note with great satisfaction that the peace process in El Salvador started at Esquipulas and pursued further within the framework of the Peace Agreement, signed at Chapultepec, Mexico, has entered a promising new phase.

Russia and the United States applaud the political resolve displayed by the Government of El Salvador and the leadership of the Frente Farabundo Martí para la Liberación Nacional (FMLN), which overcame mutual distrust to implement the main provisions of the Peace Agreement. Russia and the United States are grateful for the role played by the United Nations, above all its Secretary-General, and for the support given the peace process by Mexico, Spain, Colombia and Venezuela. The high level of representation at the reconciliation ceremony on 15 December 1992 bears testimony to the intention of the international community to continue its support of the peace process.

As El Salvador moves forward to implement fully the Peace Agreement and to realize the full potential of progress to date, Russia and the United States express confidence that the Government of El Salvador and FMLN will continue their dialogue and cooperation with the United Nations, show restraint, and demonstrate renewed determination to achieve their country's socio-economic reconstruction. They reiterate their readiness to continue to assist in this effort and express hope that other interested States and international and regional organizations will offer their support.

DOCUMENT S/25057[**]

Letter dated 6 January 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*6 January 1993*]

I have the honour to present to you the attached letter, dated 1 January 1993, from Mr. Selim Beslagic, Mayor of Tuzla, Republic of Bosnia and Herzegovina.

I should be grateful if you would have the text of the present letter and the annex circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative of
Bosnia and Herzegovina to
the United Nations

ANNEX

Letter dated 1 January 1993 from the Mayor of Tuzla, Republic of Bosnia and Herzegovina, to the Secretary-General

A few days ago soldiers of the Yugoslav People's Army (JNA) and paramilitary troops of the Serbian Democratic Party fired two "surface to surface" R-65 Luna missiles at civilian targets in Gradacac. The attacks on Gradacac civilians are the most recent examples of a sustained aggression which has seen thousands of missiles almost completely destroy this ancient Bosnian town.

Currently, R-65 Luna missiles and other weapons of mass destruction, forbidden by international conventions and previously aimed at Orasje, Tesanj and Jajce, are being redeployed by Karadzic forces and threatening other towns in north-eastern Bosnia.

It is for this reason, as Mayor of Tuzla, that I feel compelled to address you directly and inform you of the bestiality of the aggressor's crimes and of the monstrosity of its further designs.

Since the beginning of the war, members of JNA and Karadzic paramilitary forces have murdered and slaughtered over 150,000 people and raped more than 30,000 women and girls, while a great many more of our civilians are exposed to outrageous torture in numerous concentration camps. With reinforcements being constantly re-supplied from Serbia and Montenegro, Romania and Russia, the aggressor intends to destroy everything that resembles civilization and exterminate Muslims and Croats in Bosnia and Herzegovina.

WHAT HAS BEEN DONE TO PREVENT THIS?

Regrettably, all actions aimed at stopping the bloody-minded aggression against Bosnia and Herzegovina have failed. In the meantime, pleas for resolute action to stop ongoing atrocities, which are the very nature of the aggression against Bosnia and Herzegovina, have fallen on deaf ears.

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[*] Circulated under the double symbol A/47/853-S/25056.

[**] Circulated under the double symbol A/47/854-S/25057.

The United Nations Protection Force (UNPROFOR) continues to have its deliveries of humanitarian aid rendered inefficient by attacks and other means of obstruction coming from Serbian and Montenegrin forces. UNPROFOR's few successful attempts have been facilitated by forces of the Territorial Defense of Bosnia and Herzegovina, which have built and protected many of the roads that are used for humanitarian deliveries.

In the light of the failure of current policy and the insincerity in Serbian and Montenegrin negotiations manifested in disregarded resolutions and agreements, one must ask the following questions:

(*a*) Why does the agreement to remove heavy artillery and end the sieges of Sarajevo, Gorazde, Mostar and Bihac remain unmet?

(*b*) Why does the promise to provide safe humanitarian corridors, such as the Ploce-Mostar-Sarajevo-Tuzla corridor, remain unkept?

(*c*) Why do UNPROFOR forces continue to be rendered as hostages by Serbian and Montenegrin forces while citizens of Sarajevo, Gorazde, Srebrenica and Zepa starve, especially after so many humanitarian aid flights have been stopped, some with a single bullet?

(*d*) Why is the enforcement of the "no-fly zone" discouraged while civilians throughout Bosnia and Herzegovina continue to be killed by cassette, napalm and cluster bombs?

(*e*) Why have General Morillon and General Nambiar made statements equating the victim with the aggressor?

(*f*) Why are these statements accepted and espoused by the Steering Committee of the Geneva Peace Conference?

(*g*) Why is the creation of "safe havens" proposed without proposing a solution to stop the aggression against Bosnia and Herzegovina?

(*h*) Is the Steering Committee of the Geneva Peace Conference aware that the Muslims of Bosnia and Herzegovina are in jeopardy of becoming Europe's Palestinians?

(*i*) Why are Karadzic and Milosovic allowed to continue to use internationally sponsored negotiations to buy time to achieve the goals of their criminal aggression?

(*j*) Why does current policy continue to focus on the consequences of the aggression instead of the causes: Serbian and Montenegrin ethnic cleansing?

(*k*) Why are the people of Bosnia and Herzegovina not allowed to defend themselves against Serbian and Montenegrin aggression when the international community will not defend them?

(*l*) Why will it not be admitted that action taken thus far by the international community has not put a stop to Serbian and Montenegrin aggression against Bosnia and Herzegovina?

I believe that the answers to these questions deserve to be made public.

I implore you to make possible the following:

(*a*) Delivery of humanitarian aid to 80,000 people in the regions of Cerska, Konjevic Polje and Kamenica who are dying daily from hunger and cold. It should also be advised that the populations of the liberated territories of Bratunac, Vlasenica and Zvornik have not received any humanitarian aid.

(*b*) Delivery of humanitarian aid to the civilians of Zepa, who have lived under siege for months and continue to be vulnerable to the heavy artillery of JNA and Karadzic paramilitary forces.

(*c*) The prevention of further destruction and civilian deaths in the towns of Gradacac, Tesanj, Maglaj, Olovo, Srebrenica and Brcko.

(*d*) Emancipation of 4,000 civilians still exposed to torture and murder in concentration camps operated in north-eastern Bosnia by Serbian and Montenegrin forces.

The situation is not beyond solution, and it is not too late to stop the aggression against Bosnia and Herzegovina. However, if resolute action is not taken, inaction will be responsible for the loss of a great many more lives and a conflagration that will spread to other parts of Europe and beyond.

Furthermore, it is our hope that there will be an end to the aggression, ethnic cleansing, and mass murder against the people of Bosnia and Herzegovina that is being employed by fascist forces directed and supplied from Belgrade.

(*Signed*) Selim BESLAGIC
Mayor

DOCUMENT S/25061

Letter dated 6 January 1993 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council

[*Original: Arabic*]
[*7 January 1993*]

In my capacity as Chairman of the Group of Arab States for the month of January 1993, I have the honour to transmit herewith the text of a statement issued by the Group of Arab States concerning the grave situation created by Israel's deportation of more than 400 Palestinian civilians from the occupied Palestinian territory, including Jerusalem.

I should be grateful if you would arrange for the text of this letter and the statement to be circulated as a document of the Security Council.

(*Signed*) Ibrahim Abdelaziz OMAR
Charge d'affaires a.i.
of the Permanent Mission of the
Libyan Arab Jamahiriya to the United Nations
and Chairman of the Group of Arab States

TEXT OF THE STATEMENT

The Group of Arab States in the United Nations met on 5 January 1993 to consider the grave situation resulting from Israel's deportation to Lebanon against the Lebanese Government's wishes, of more than 400 Palestinian civilians from the occupied Palestinian territory, including Jerusalem. The Group also considered Israel's persistent refusal to implement Security Council resolution 799 (1992), in which the Council demands that Israel, the occupying Power, ensure the safe and immediate return to the occupied territory of all those deported. This refusal was communicated to the Secretary-General's representative during the visit which the latter made to the area in pursuance of the Security Council resolution in question.

The Group of Arab States reiterates its strong condemnation of this action by Israel, which constitutes a flagrant violation of the fourth Geneva Convention of 1949,[1] the principles of international law, the sovereignty of Lebanon and human rights standards. This action is also contrary to the resolutions adopted by the Security Council and the General Assembly concerning Israeli policies and practices in the occupied territories.

The Group of Arab States welcomes Security Council resolution 799 (1992) and expresses its approval of and support for the measures taken by the Secretary-General, Mr. Boutros Boutros-Ghali, with the aim of implementing that resolution, including the position he expressed in his letter of 3 January 1993 to the President of the Security Council, in which he informed the latter of his decision to send a second mission to the area.

While reaffirming that full implementation of resolution 799 (1992) is the only way to solve the problem, in the event that Israel persists in its refusal to comply with the resolution, the Group of Arab States calls upon the Security Council to take strong action for its full implementation by speedily adopting a new resolution under Chapter VII of the Charter of the United Nations.

Such a course of action would help to ensure the continuation of the peace process, preserve the prestige and credibility of the Security Council, which would thus have assumed its responsibilities for the maintenance of international peace and security, and guarantee respect for international law and international agreements by all, without exception.

I would kindly request that you have the present letter circulated as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative of
Croatia to the United Nations

DOCUMENT S/25062

Letter dated 5 January 1993 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*7 January 1993*]

Concerning your report of 21 December 1992 [*S/25000*], which deals with the stationing of the United Nations Protection Force (UNPROFOR) along the international borders of the Republic of Bosnia and Herzegovina, I would like to express the support of the Government of the Republic of Croatia for the proposals contained in the report, especially the third option listed, option C. Option C involves the deployment of an additional 10,000 UNPROFOR troops that would be empowered to observe, search, deny passage and report violations of relevant Security Council resolutions at some 123 crossing points along the border of Bosnia and Herzegovina. The Republic of Croatia supports the proposal particularly because it represents a more decisive effort by the United Nations and other international factors to contain the conflict in Bosnia and Herzegovina and keep it from spilling over into other parts of the Balkans. It also adds the essential peacemaking element to the present humanitarian and peace-keeping role of UNPROFOR.

It is the position of the Croatian Government that the proposal should be implemented in connection with the Vance plan, which calls for the complete demilitarization of the United Nations Protected Areas on the territory of the Republic of Croatia. This plan should also guarantee the inviolability and control of the international borders of the Republic of Croatia. In this context, it is necessary to mention that Security Council resolution 769 (1992) authorized the enlargement of the mandate and strength of UNPROFOR in order to establish controls along the international border of Croatia. Although the resolution was adopted on 7 August 1992, there has been no effective action undertaken for its implementation.

The establishment of controls along the international borders of Bosnia and Herzegovina and Croatia is necessary to bring peace and stability to the region. It would demonstrate the willingness of the international community to uphold the inviolability and undisputed legitimacy of these borders and to thwart the policies of aggression and territorial expansion by Serbia and Montenegro. In practical terms, it would prevent the supply of weapons and any kind of military or economic assistance to the militant Serbian paramilitary units in Croatia and Bosnia and Herzegovina.

Faced with this decisive and principled stance by the world community, and cut off from their supply of armaments and other materials, the Serbian paramilitary units would be forced to seek peaceful solutions and abide by internationally established norms and principles, which would allow for the realization of the Vance plan, the undertaking of confidence-building and other positive measures of reintegration of the occupied areas of the Republic of Croatia into its legal, political, economic and social system in order to bring lasting peace to the region.

DOCUMENT S/25063[*]

Letter dated 6 January 1993 from the representative of Cyprus to the Secretary-General

[*Original: English*]
[*7 January 1993*]

Further to our letter of 15 October 1992 concerning the resolution adopted by the Parliamentary Assembly of the Council of Europe on 7 October 1992 on the demographic structure of the Cypriot communities [*S/24667*], I have the honour to forward herewith a copy of an article by a Turkish Cypriot, Mr. Kutlu Adali, published in the Turkish Cypriot newspaper *Geni Duzen* on 3 December 1992,[**] in which Mr. Adali very aptly portrays the issue of the implantation of Turkish settlers in the occupied area of Cyprus.

The article is of particular importance bearing in mind that Mr. Adali had headed the so-called "Department of Registrations" in the occupied area of Cyprus which dealt with the registration of the settlers. It contains enlightening information on the Turkish policy of altering the demographic structure of Cyprus through the implantation of settlers and gives a clear picture of the ramifications and consequences of this policy on the entire population of Cyprus, Greek Cypriots and Turkish Cypriots alike, and on the prospects for the solution of the Cyprus problem.

I should be grateful if the present letter could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) P. EFTYCHIOU
Chargé d'affaires a.i.
of the Permanent Mission of
of Cyprus to the United Nations

DOCUMENT S/25064

Letter dated 6 January 1993 from the representative of Iraq to the Secretary-General

[*Original: Arabic*]
[*8 January 1993*]

On instructions from my Government, I have the honour to transmit herewith a communication containing a summary of the steps taken by the Iraqi side during December 1992 pursuant to Security Council resolution 687 (1991) and the provisions of the Memorandum of Understanding signed on 22 October 1992 between Iraq and the United Nations.

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[*] Circulated under the double symbol A/47/856-S/25063.

[**] The annex is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

I request you to have this letter and the annex hereto circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

ANNEX

Below you will find a summary of the steps taken by the Iraqi side during December 1992 pursuant to resolution 687 (1991) and the provisions of the Memorandum of Understanding signed on 22 October 1992 between Iraq and the United Nations, concerning the satisfaction of the basic humanitarian needs of the civilian population of Iraq.

Part One: *Implementation of Security Council resolution 687 (1991)*

I. *The question of the inspection teams*

1. *The visit of the IAEA 16 inspection team*

(*a*) The IAEA 16 inspection team visited Iraq during the period from 5 to 8 December 1992. The team consisted of eight inspectors and was headed by Mr. Maurizio Zifferero, leader of the IAEA Action Team.

(*b*) On the evening of the day on which it arrived (5 December), the team informed the Iraqi side of its intention to proceed on the following morning (6 December) to inspect a 10-kilometre area around the Tuwaitha centre, situated 26 kilometres south of Baghdad. When the appointed time came, the Iraqi side was surprised to find that the team, accompanied by the UNSCOM 47 joint chemical/biological inspection team, proceeded to the Khayrat building complex adjacent to the hotel in order to inspect it. This unjustified behaviour indicated a prior intention to provoke the Iraqi side. The behaviour of the team when the inspection began, moreover, gave rise to an atmosphere of tension, for the team's vehicles surrounded the complex and blocked the doors, cameras were aimed from various angles and from the 17th storey of the hotel, and a large number of inspectors rapidly spread throughout the building, throwing some of the Iraqi employees into confusion, so that a number of them started to leave the building. The Iraqi side made a great effort to return the employees to the building and to return what the inspection team alleged were documents that had been removed from the building. When the inspection was completed, it became clear to the team that the building housed no documents or activities that were prohibited by resolution 687 (1991).

(*c*) In its report on this visit, the inspection team mentioned that the Iraqi authorities had provided assistance in order to facilitate the operation of inspecting the Khayrat complex and ensured the team access to all parts of the building. Despite the fact that the report indicated that a number of persons left the complex carrying documents and considered this a violation of Iraq's obligations in this regard, it also indicated that the team was able to seize some of the documents while they were being removed or hidden and found that the removed or hidden documents had no connection with resolution 687 (1991). This confirms that what took place was not an organized removal or concealment operation, but rather individual acts by certain employees for whom the entry of the inspectors into their place of work in a provocative manner had caused confusion.

(*d*) On 7 December 1992, the Chief Inspector, Mr. Zifferero, met with the Chairman of the Iraqi Atomic Energy Commission. The meeting dealt, among other things, with the subject of cooperation between the Iraqi side and the IAEA within the context of the implementation of resolution 687 (1991).

(*e*) On 8 December the team visited the Tuwaitha site, where it conducted an inspection in the guest house and a nearby workshop, and subsequently visited the Al-Athir Centre. During those visits, the team did not find anything in violation of resolution 687 (1991).

2. *Visit of the joint UNSCOM 47 inspection team*

(*a*) The joint UNSCOM 47 inspection team visited Iraq from 5 to 13 December 1992. It comprised 27 inspectors led by Mr. Johan Santesson and included two chemical and biological experts. Immediately on its arrival, the team was joined by two members of the chemical destruction team that had been working for a considerable period of time at the Muthanna Establishment.

(*b*) Immediately on its arrival and in breach of the normal procedures followed, the team proceeded to carry out an inspection while on its way from the airfield to the hotel. The object of the inspection was a fuel supply depot belonging to the army, and the team found nothing there.

(*c*) On the morning of 6 December, accompanied by the IAEA 16 nuclear inspection team, the team made an unannounced visit to the Khayrat complex, which houses institutions that have no connection with chemical, biological or nuclear activities such as the Police Department of Criminal Investigation, the Saddam University of the Islamic Sciences and its boarding section and centres for electrical, mechanical and chemical design, and the two teams found nothing in conflict with the requirements of resolution 687 (1991).

(*d*) On 7 December, the team divided into three groups. The first group carried out an unannounced inspection at the Hattin State Establishment in Babel Governorate (60 kilometres south of Baghdad); the second group used helicopters to inspect an elementary school at a village in the Wasit Governorate (200 kilometres south of Baghdad); and the third group held a seminar with Iraqi chemical experts that lasted for 10 hours.

(*e*) The activities of the inspection team continued on subsequent days, and they focused on carrying out unannounced visits to military and civilian sites. The sites in question were the Ali ibn Abi Talib airbase, the Samarra pharmaceutical plant, depots in the Umm Qasr port area, a military site at Kut, buildings belonging to the Iraqi Olympic Committee in Baghdad, the Al-Hakam plant for the production of single-cell protein, a site for the destruction of chemical ordnance at the Muthanna State Establishment, the Ministry of Finance State Land Department in Baghdad and the offices of a political organization also in Baghdad. In the course of its inspection of these sites, the team found nothing incompatible with the requirements of resolution 687 (1991).

(*f*) In addition to its unannounced field visits, the inspection team held a number of lengthy meetings with the Iraqi side. There were five such meetings lasting for a total of 31 hours, 19 with the chemical team and 12 with the biological team. The questions the team addressed to the Iraqi side were reiterative, and they had already been answered as of 1991. Moreover, many of them had no relation to resolution 687 (1991) and their purpose was to attempt to solicit answers different from those previously given in order to contrive new allegations and new hypotheses that would require the dispatch of further inspection teams and thus prolong the unjust embargo.

(*g*) In addition to the duplicitous methods adopted by the inspection team in carrying out the unannounced inspections, the team resorted to addressing provocative questions to the Iraqi technicians that focused on detailed information concerning the places of work of senior personnel, details of their professional careers in past years and at present, their scientific backgrounds, the persons who had appointed them, their professional and non-professional relationships with each other and other questions, the underlying purpose of which must be seriously called into question. Accordingly, the Iraqi technical team found no reason to respond to such questions since they fell outside the framework of the implementation of resolution 687 (1991). Faced with the refusal of the Iraqi technicians to respond to personal questions, the Chief Inspector asked to meet with Lieutenant-General Amer Muhammad Rashid, Director of the Military Industrial Corporation.

(*h*) On 8 December 1992, General Amer Muhammad Rashid met with the Chief Inspector at the latter's request. In the course of the meeting, General Rashid stressed respect for the principle of cooperation with the Special Commission in the framework of meeting the requirements of resolution 687 (1991). He further stated that certain of the inspection team's questions fell outside the framework of resolution 687 (1991) and that the Iraqi technicians had therefore not answered them. The Special Commission had, regrettably, communicated to the Security Council by its letter of 10 December 1992 [*see S/24985*] selected, truncated and imprecise details of the meeting. Iraq's Permanent Representative to the United Nations had therefore addressed a letter to the President of the Security Council on 14 December 1992 [*S/24964*] in which he set forth the details of what had taken place at the meeting and stressed that there had been no change in Iraq's position with regard to meeting the requirements of resolution 687 (1991), particularly since Iraq had discharged its obligations with respect to that resolution, the inspection teams had verified that fact and all of the weapons, ordnance and production equipment prohibited under the resolution had been destroyed.

(*i*) On 13 December 1992, before leaving Baghdad, the Chief Inspector held a news conference at which he stated that he had come to Iraq four times and could state that the atmosphere on the present occasion was better than it had been during his last visit. He said that, during the time of its work, his team had discovered nothing that contravened Security Council resolution 687 (1991).

3. *The UNSCOM 38 chemical destruction team*

The chemical destruction team has been pursuing its work at Muthanna State Establishment since 18 June 1992, and the team supervises the destruction of chemical weapons and ordnance at this site. In December 1992, the team supervised the destruction of the following items:

1	122-mm rocket warhead	1,600
2	250-mm-gauge aerial bomb	66
3	nerve agent	15,105 litres

4	155-mm-calibre artillery shell filled with mustard agent	22
5.	Solid propellant charge for 122-mm rocket	2,574 units
6	122-mm rocket motor	151
7.	Isopropyl alcohol	1,530 litres

4 *The Special Commission's helicopter unit*

During December 1992, the unit performed its assigned functions with the full cooperation and facilitation of the Iraqi side. The unit carried out 10 flights transporting inspection teams, and the Aerial Inspection and Reconnaissance Team performed an inspection of the Al-Hakam site on 12 December 1992.

II *Missing persons*

Ambassador Al-Murshid Idris, Envoy of the Secretary-General of the League of Arab States, visited the country from 22 to 29 December 1992 and met with a number of officials, chief among them Mr. Izzat Ibrahim, Deputy Chairman of the Revolution Command Council, Mr. Tariq Aziz, Deputy Prime Minister, the Minister for Foreign Affairs and the Minister of Health. He also held a number of technical meetings with the Iraqi side in order to monitor ongoing developments with respect to the question of missing persons. Mr. Idris presented new and updated versions of the lists previously submitted, concerning 850 individuals, as follows:

A list provided to him by the Kuwaiti authorities containing the names of 694 missing Kuwaitis;

A list containing the names of 51 stateless individuals;

Copies of the individual case files to be submitted to Iraq by the Kuwaiti regime through the International Committee of the Red Cross (ICRC) with a view to tracing the persons concerned.

For its part, the Iraqi side provided the following information:

With regard to the list of 694 missing Kuwaitis, it was established after a rapid scrutiny that six were deceased, five had already been handed over, seven had refused repatriation, one name was repeated, four were awaiting agreement to their repatriation by the Kuwaiti authorities and one had returned without ICRC supervision (for a total of 24 individuals);

With regard to the list of 51 stateless individuals, it was established that four had approached ICRC and were awaiting the agreement of the Kuwaiti authorities to their repatriation, one was deceased, one had returned without ICRC supervision, one had refused repatriation and one had already been handed over (for a total of 8 individuals).

The Envoy was informed that the Iraqi authorities, in the framework of their cooperation with the endeavours of the secretariat of the League of Arab States, would pursue their efforts in accordance with the customary international norms and principles as set forth in the Geneva Conventions and in cooperation with ICRC, and it was agreed that contacts on the matter with Ambassador Al-Murshid Idris would be maintained.

III. *Compensation*

Iraq participated in the work of the eighth session of the Governing Council of the United Nations Compensation Commission, held at Geneva from 14 to 18 December 1992, as at previous sessions. At the meeting, the Iraqi delegation made an official statement in which it focused on the need to avoid the adoption of arbitrary decisions against Iraq that would impose enormous financial burdens on the Iraqi economy and thereby affect Iraq's ability to meet its international financial obligations and its external debts. In its statement, the delegation further addressed itself to some of the new concepts whose adoption by the Commission was being sought and which had no international precedent and imposed on Iraq additional financial burdens, such as the levying of interest on compensation and the recovery of lawyers' fees, and to other technical matters.

While it was in Geneva, the delegation also had a number of meetings with officials of the Commission's secretariat and a number of ambassadors with a view to acquainting them with Iraq's position with regard to the issues raised and in order to convey to them an understanding of the enormous financial burden that would accrue to Iraq should the Commission's Governing Council continue to adopt unjust decisions.

IV *Return of property*

At the meeting held on 28 November 1992 at the point for the hand-over of Kuwaiti property to the south of Safwan by representatives of the Iraqi side and representatives of the Kuwaiti regime in the presence of Mr. J. Richard Foran, Assistant Secretary-General of th United Nations for General Services and Coordinator of the return of Kuwaiti property agreement was reached on technical procedures for the hand-over of heavy militar equipment at the established point south of Safwan and that the major operation for th hand-over of Kuwaiti property should begin on 29 December 1992 and continue for abou four months.

During December 1992, the hand-over of the remaining military equipment belonging t the Air Force and the Army Air Corps continued, and between 29 November and the end o December 1992 the following items were handed over:

Two damaged Skyhawk aircraft

Two damaged Super Puma helicopters

Ten aircraft dollies

Ten items of equipment relating to aerial munitions

Twenty-one pilot ejector seats for Skyhawk aircraft

Six items of ground equipment

The Kuwaiti air defence computer, together with its conditioning system

Ten radar systems

Air-launched munitions (rockets and bombs)

Part Two. *Implementation of the provisions of the Memorandum of Understanding*

1. Pursuant to the Memorandum of Understanding, the Iraqi side during this month proceeded to ensure and implement all the necessary administrative requirements to facilitate the work of organizations and agencies operating within the framework of the relief programme, such as the issue of permits for the movement and passage of trucks, the granting of visas to additional personnel, ensuring the safe arrival of trucks to all the country's governorates and the preparation of reserve depots for the storage of the goods expected to arrive. It has done so despite the fact that the United Nations side did not embark, with the seriousness appropriate to the period of time that had elapsed since the signing of the Memorandum, on implementation of the projects set forth in the Plan of Action relating to the Memorandum of Understanding.

2. The Iraqi side concluded an agreement with the non-governmental organization OXFAM on 10 December 1992 to work together with UNICEF in the framework of the humanitarian relief programme and in accordance with the Memorandum of Understanding.

DOCUMENT S/25065

Letter dated 7 January 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*7 January 1993*]

With reference to the letters of the Permanent Representative of Bosnia and Herzegovina to the United Nations dated 29 December 1992 [*S/25019*] and 30 December 1992 [*S/25028*] addressed to your predecessor, I have the honour to draw your attention to the following:

- The Permanent Representative of Bosnia and Herzegovina, in the above-mentioned letters, has, as on previous occasions, put forward unfounded accusations and falsehoods pertaining to the involvement of the forces and aircraft from the Federal Republic of Yugoslavia on the territory of Bosnia and Herzegovina.

- The preposterous accusation that, between 23 and 27 December 1992, Serbian and Montenegrin forces carried out 24 combat missions over the region of Srebrenica with fixed-wing aircraft is a gross fabrication. As in previous instances, the sole goal is to condemn the Federal Republic of Yugoslavia for its alleged role in the civil war in

Bosnia and Herzegovina, in which in fact it is not a party, and consequently to provoke foreign military intervention.

- The Government of the Federal Republic of Yugoslavia strongly rejects these untrue charges. The armed forces, including the air force, of the Federal Republic of Yugoslavia have not been engaged in any activities in Bosnia and Herzegovina ever since their withdrawal from that Republic in May 1992.

As can be unequivocally deduced from the Secretary-General's note verbale of 29 December 1992 [*S/24900/Add.7*], there have been no violations of the ban on flights over Bosnia and Herzegovina initiated from the Federal Republic of Yugoslavia, including over the Srebrenica region, in the said period. This can be verified by the United Nations observers who have been stationed at airfields in the Federal Republic of Yugoslavia. The absurdity of the claim that 24 combat missions by Serbian and Montenegrin forces were carried out is best exemplified by the information supplied in the said note verbale that, in the period in question, only four unauthorized flights in the airspace of Bosnia and Herzegovina have been reported by the United Nations Protection Force.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

DOCUMENT S/25066

Report of the Committee on the Admission of New Members concerning the application of the Slovak Republic for admission to membership in the United Nations

[*Original: English*]
[*7 January 1993*]

1. At the 3155th meeting on 7 January 1993, the Security Council had before it the application of the Slovak Republic [*S/25046*] for admission to membership in the United Nations. In accordance with rule 59 of the provisional rules of procedure of the Security Council and in the absence of a proposal to the contrary, the President of the Council referred the application to the Committee on the Admission of New Members for examination and report.

2. At its 91st meeting on 7 January 1993, the Committee considered the application of the Slovak Republic and unanimously decided to recommend to the Security Council that the Slovak Republic should be admitted to membership in the United Nations.

3. The Committee further decided to recommend to the Security Council that it should have recourse to the provision of the last paragraph of rule 60 of its provisional rules of procedure.

4. Accordingly, the Committee recommends to the Security Council the adoption of the following draft resolution:

"*The Security Council,*

"*Having examined* the application of the Slovak Republic for admission to the United Nations [*S/25046*],

"*Recommends* to the General Assembly that the Slovak Republic be admitted to membership in the United Nations."

DOCUMENT S/25067

Report of the Committee on the Admission of New Members concerning the application of the Czech Republic for admission to membership in the United Nations

[*Original: English*]
[*7 January 1993*]

1. At the 3156th meeting on 7 January 1993, the Security Council had before it the application of the Czech Republic [*S/25045*] for admission to membership in the United Nations. In accordance with rule 59 of the provisional rules of procedure of the Security Council and in the absence of a proposal to the contrary, the President of the Council referred the application to the Committee on the Admission of New Members for examination and report.

2. At its 92nd meeting on 7 January 1993, the Committee considered the application of the Czech Republic and unanimously decided to recommend to the Security Council that the Czech Republic should be admitted to membership in the United Nations.

3. The Committee further decided to recommend to the Security Council that it should have recourse to the provision of the last paragraph of rule 60 of its provisional rules of procedure.

4. Accordingly, the Committee recommends to the Security Council the adoption of the following draft resolution:

"*The Security Council,*

"*Having examined* the application of the Czech Republic for admission to the United Nations [*S/25045*],

"*Recommends* to the General Assembly that the Czech Republic be admitted to membership in the United Nations."

DOCUMENT S/25068*

Letter dated 7 January 1993 from the representative of Indonesia to the Secretary-General

[*Original: English*]
[*7 January 1993*]

I have the honour, as Chairman of the Coordinating Bureau of Non-Aligned Countries, to enclose herewith the text of a statement by the Committee on Palestine of the Movement of Non-Aligned Countries on the deportation of Palestinian civilians from the occupied Palestinian territory, including Jerusalem, adopted by the Committee on 6 January 1993.

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*Circulated under the double symbol A/47/857-S/25068

I should be grateful if you would have the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Nugroho WISNUMURTI
Permanent Representative of
Indonesia to the United Nations

TEXT OF THE STATEMENT

The Committee on Palestine of the Movement of Non-Aligned Countries met in New York on 6 January 1993 to consider the dangerous situation that has developed as a result of Israel's mass deportation, on 17 December 1992, of over 400 Palestinian civilians from the occupied Palestinian territory, including Jerusalem, and as a result of the Israeli Government's failure to implement Security Council resolution 799 (1992). The Committee strongly condemned the deportations, which constitute a grave breach of the fourth Geneva Convention of 12 August 1949.[1] Such actions also undermine the peace process currently under way.

The Committee on Palestine expressed appreciation for the adoption of resolution 799 (1992) and support for the continuing efforts of the Secretary-General of the United Nations in this regard. The Committee welcomed the Secretary-General's letter to the President of the Security Council dated 3 January 1993 and agreed fully with his observations, especially with regard to possible further steps to be taken by the Security Council. The Committee condemned the Israeli Government for its failure to comply with resolution 799 (1992), which demanded that Israel, the occupying Power, ensure the safe and immediate return to the occupied territories of all those deported. The Committee observed that in view of the extreme suffering and harsh conditions of the deportees, urgent action should be taken by the international community to implement resolution 799 (1992) and thereby bring to an end this unconscionable situation.

The Committee decided to remain seized of the matter and to closely follow any developments in this regard, including the impending report of the Secretary-General and subsequent actions by the Security Council. The Committee recalled the obligations of Member States, under Article 25 of the Charter of the United Nations, and called for action by the Security Council, under Chapter VII of the Charter, invoking Articles 39 and 41, in order to compel the Israeli Government to ensure the immediate and safe return of all Palestinian deportees and to desist from repeating such illegal actions in the future.

DOCUMENT S/25074

Letter dated 8 January 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*8 January 1993*]

Acting under paragraph 1 of Article 35 of the Charter of the United Nations, in the light of the incident in which the Deputy Prime Minister for Economic Affairs of the Republic of Bosnia and Herzegovina, Mr. Hakija Turajlic, was murdered by Serbian extremists while under the protection of UNPROFOR [*United Nations Protection Force*], the Presidency of the Republic of Bosnia and Herzegovina requests an emergency meeting of the Security Council.

Mr. Turajlic was returning from Butmir airport in an UNPROFOR vehicle escorted by other UNPROFOR vehicles on a United Nations controlled road. The UNPROFOR convoy was blocked by two tanks belonging to aggressor forces. Serbian extremists then entered the vehicle with force and shot Mr. Turajlic eight times. He has been pronounced dead.

This blatant act of war against the Republic of Bosnia and Herzegovina and the United Nations demands immediate and resolute action, including the use of force under Chapter VII of the Charter, to stop the aggression against the Republic of Bosnia and Herzegovina and to stop the use of UNPROFOR's limited mandate as a means to facilitate aggression.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative of
Bosnia and Herzegovina to the
United Nations

DOCUMENT S/25075[*]

Letter dated 8 January 1993 from the observer of Palestine to the Secretary-General

[*Original: English*]
[*8 January 1993*]

I have the honour to enclose herewith a memorandum on the deportations by Israel, the occupying Power, of Palestinian civilians from the occupied Palestinian territory, including Jerusalem. The memorandum covers the more recent mass deportation by the Government of Israel of more than 400 Palestinian civilians, on 17 December 1992, as well as background information on the subject as a whole. It also includes our own conclusions with regard to the subject.

I would be grateful if you would arrange to have the text of the present letter and the annex circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

TEXT OF THE MEMORANDUM

1. *The Israeli Government's mass deportation of more than 400 Palestinian civilians on 17 December 1992*

- On 16 December 1992, the Israeli Government took the unprecedented step of ordering the summary deportation of 418 Palestinian civilians from the occupied Palestinian territory. The Israeli authorities placed those Palestinians in buses, blindfolded and bound, and drove them to Israel's northern border.

- Upon the leakage of information on the deportation, human rights activists, including lawyers, petitioned the Israeli Supreme Court for a restraining order. The Court granted the stay order and convened to discuss the appeal. After 15 hours, it allowed the deportation orders to proceed.

- Meanwhile, the Israeli authorities returned a number of Palestinian civilians from the buses and several others were brought by helicopter to join the deportees. After an overnight stay in the buses, 415 were driven, on 17 December 1992, into South Lebanon across the so-called security zone, and were dumped in the freezing winter weather in a mountainous area between the Israeli/so-called South Lebanon Army checkpoint and the Lebanese army checkpoint.

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[*] Circulated under the double symbol A/47/858-S/25075

- Israel refused to release the names of the deportees, and did not notify their families of the measures taken. In addition, no individual charges for any criminal act had been made against those deported, and none of them received a copy of their deportation orders. (After approximately two weeks, the Israeli authorities announced that they had made a mistake with regard to at least 10 of the deportees.)

- On 18 December 1992, the Security Council unanimously adopted resolution 799 (1992), in which the Council, strongly condemned the action taken by Israel and demanded "that Israel, the occupying Power, ensure the safe and immediate return to the occupied territories of all those deported". The Council also requested the Secretary-General "to consider dispatching a representative to the area to follow up with the Israeli Government with regard to this serious situation and to report to the Security Council".

- The deportees tried to go back, on foot, along the same route that they were brought, but they were prevented from doing so due to shooting and shelling directed at them by the Israeli army. Such shelling was repeated several times at later dates.

- In the meantime, the Lebanese Government, on the grounds that the deportations carried out by Israel violated the sovereignty and territorial integrity of Lebanon, and that those deportees had been illegally brought onto Lebanese territory, refused to accept the deportees and refused to allow assistance to them, as they are solely the responsibility of the Israeli Government. It is worth mentioning that Security Council resolution 799 (1992) reaffirmed "the independence, sovereignty and territorial integrity of Lebanon".

- The Secretary-General, in response to the request made by the Council, dispatched Mr. James Jonah, Under-Secretary-General for Political Affairs, to the region from 27 to 30 December 1992. He met with Israeli officials, and he also met with Lebanese officials when he went to Lebanon.

- The actual situation of the deportees has been deteriorating due to the harshness of weather and a lack of all essentials, including water, medicine and foodstuffs. A number of them have become sick and several have been injured. Meanwhile, the Israeli Government rejected a formal request by the International Committee of the Red Cross to provide the deportees with the essential materials through Israel's borders.

- In a letter, dated 3 January 1993, the Secretary-General informed the President of the Security Council that "the mission of Mr. Jonah was unsuccessful". The Secretary-General stated: "From all that I have heard, I believe this is attributable primarily to Israel's unwillingness to comply with resolution 799 (1992)". The Secretary-General also informed the Council that he had decided to dispatch to the region a second mission, to be led by his special political advisor and representative to the multilateral peace talks on the Middle East, Mr. Chinmaya Gharekhan. The Secretary-General expressed his earnest hope that "the Israeli authorities will recognize the need to comply with resolution 799 (1992)". However, he stated: "Should this not be the case, I may have to recommend in my report that the Council consider taking further steps to ensure that its decision is respected".

At the United Nations, several committees and groups, such as the Committee on Palestine of the Organization of the Islamic Conference, the Committee on Palestine of the Movement of Non-Aligned Countries, the Group Arab States and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, issued strongly worded statements on the matter. All of those statements called for decisive actions by the Security Council to guarantee full implementation of resolution 799 (1992). Some called for a new resolution under Chapter VII of the Charter of the United Nations.

2. *Background information on deportations*

- Israel, the occupying Power, has deported approximately 2,500 Palestinian civilians since 1967. Its latest action in this regard, the deportation of more than 400 Palestinians, on 17 December 1992, constituted mass deportation.

SECURITY COUNCIL RESOLUTIONS ON DEPORTATION

- The Security Council adopted 11 resolutions specifically on the issue of deportation. These resolutions are 468 (1980), 469 (1980), 484 (1980), 607 (1988), 608 (1988), 636 (1989), 641 (1989), 694 (1991), 726 (1992) and 799 (1992), in addition to resolution 681 (1990) which contained a paragraph on deportation. (In addition, there are a vast number of General Assembly resolutions, as well as resolutions of other organs of the United Nations, on the subject.)

- All of those resolutions condemned or deplored Israeli deportation policies and actions, and requested, in a variety of forms, that Israel, the occupying Power, guarantee the safe and immediate return of the deportees and desist from taking such actions.

- All of those resolutions, in addition to numerous other Security Council resolutions affirmed the applicability to the occupied Palestinian territories, including Jerusalem, of the fourth Geneva Convention of 12 August 1949,[1] which considers deportation to be illegal. In its resolution 681 (1990), the Security Council urged the Government of Israel "to accept the *de jure* applicability of the Geneva Convention ... to all the territories occupied by Israel since 1967 and to abide scrupulously by the provisions of the said Convention". To date, however, none of these resolutions have been heeded by the Israeli Government.

DEPORTATION AND INTERNATIONAL LAW

- International law subjects the Israeli occupation of Gaza, the West Bank and East Jerusalem to the provisions of the fourth Geneva Convention.

- Article 49 of the Convention declares that the "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive."

- According to the authoritative commentary done by the International Committee of the Red Cross on the Convention, this prohibition is "absolute and allows no exceptions". Several other statements of the Red Cross put forth the same position.

- Article 147 of the Convention considers unlawful deportations as a grave breach of the Convention. Article 146 of the Convention places specific duties upon the High Contracting Parties to repress grave breaches by seeking out and prosecuting the perpetrators.

- Article 1 of the Convention makes it the obligation of the High Contracting Parties "to respect and to ensure respect for the [...] Convention in all circumstances".

- In brief, according to the fourth Geneva Convention, deportation is not only illegal but also constitutes a grave breach of the Convention. Grave breaches of the Geneva Convention amount to war crimes. (The 1945 Charter of the International Military Tribunal at Nürnberg defined deportation as a war crime and a crime against humanity.)

DEPORTATION AND DOMESTIC LAW

- Israel invokes article 108 of the British Defense (Emergency) Regulations of 1945 as the basis for its deportation orders. However, these regulations were in fact revoked by the British Government on the eve of the termination of the British Mandate in May 1948 and therefore, the Israeli Government, in terms of domestic law, is acting without legal basis in deporting Palestinian protected persons.

- Israel started to provide, during the 1970s, very inadequate legal review of deportation orders, which became possible only after more than 1,000 Palestinians had already been deported without any form of due process. According to those procedures, a person can appeal a deportation order to a military advisory committee. If the order is confirmed by the committee, the person may petition the Israeli Supreme Court sitting as a High Court of Justice. The procedures are based solely on classified information, which is released neither to the deportee nor to his lawyer. The Israeli court has never revoked a deportation order.

- On 16 December 1992, even the above-mentioned procedures were abolished by a decision of the Government, the text of which was not published. In addition, the nature of the recent mass deportation ended another Israeli argument, which attempted, in the past, to differentiate between "accepted" individual and selected deportation as opposed to "prohibited" mass deportation.

- Ultimately, deportations are administrative orders taken by military commanders and not by any judicial authority, and not pursuant to a procedure which can be measured against due process criteria. They are extrajudicial punishments in the extreme.

3. *Conclusions*

- Deportation is illegal under international law and constitutes a grave breach of the fourth Geneva Convention of 1949. It is being carried out without legal basis in terms of domestic law. Deportation also violates numerous Security Council resolutions and represents fundamental disregard of the Universal Declaration of Human Rights and all other human rights instruments and standards. The concept of deportation is parallel to the concept of "transfer" and other racist ideas and theories, such as ethnic cleansing.

- The deportation which took place on 17 December 1992, constitutes, in addition to the above, a form of collective punishment. It has had a detrimental effect on the peace process currently under way, under the co-sponsorship of the United States of America and the Russian Federation. It is inconceivable for the peace process to continue and succeed as long as this situation is not brought to an end.

- The international community, and specifically the Security Council, is duty-bound to compel Israel, a member of the United Nations, to abide by its obligations under Article 25 of the Charter of the United Nations and to guarantee respect of international law, especially the Fourth Geneva Convention. It is our firm belief that the Security Council has to proceed to adopt a new resolution under Chapter VII of the United Nations Charter to ensure that Israel will accept and carry out previous relative resolutions, especially resolution 799 (1992), which demanded the safe and immediate return of all those deported, and we call upon the Council to do so.

DOCUMENT S/25076

Letter dated 8 January 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*8 January 1993*]

I regret to have to inform the Security Council that the situation in Angola has deteriorated severely since the beginning of the year.

There have been outbreaks of heavy fighting in at least ten provincial capitals and other centres of population. Each side has accused the other of responsibility for initiating these hostilities. In almost all cases the outcome of the fighting has been that UNITA [*National Union for the Total Independence of Angola*] premises have been destroyed and its personnel captured and in some cases killed. Meanwhile, the Government has been unable to re-establish its administration in many rural areas and some two thirds of the municipalities in Angola remain in UNITA's hands.

UNAVEM [*United Nations Angola Verification Mission*] personnel who are deployed in more than 60 different locations in Angola, have been exposed to extreme danger as a result of these hostilities and in one case had to spend three days consecutively in slit trenches within their compound. It has been necessary to evacuate the UNAVEM teams from two provincial capitals.

My Special Representative has worked tirelessly to establish contacts between the two sides in order to restore the cease-fire and to relaunch the political dialogue which had begun quite promisingly at Namibe on 26 November. Military commanders on both sides have frequently spoken with each other via UNAVEM's communications and in some cases these contacts have had a beneficial effect. They cannot, however, be a substitute for face-to-face meetings and I am glad to be able to report that Miss Anstee has succeeded in obtaining the agreement of both sides in principle to a meeting between General Joao de Matos, Chief of General Staff of the Angolan Armed Forces, and General Demósthenes Chilingutila of UNITA. It has not however been possible to obtain agreement on the location of such a meeting, a number of proposals having been made by Miss Anstee but rejected by one side or the other.

Her latest proposal is for a meeting at Menongue, a city which has not so far been affected by the fighting, where, with the necessary assurances from both sides, UNAVEM would be able to assist in making the necessary logistic and security arrangements for a meeting.

Unless the fighting can be brought under control and dialogue restored between the two sides, it is difficult to see how the peace process in Angola can be saved. In these grave circumstances, I believe that it would be useful if the Security Council could publicly endorse my Special Representative's efforts and make a strong appeal to the two sides to agree to a meeting in Menongue at the earliest possible opportunity.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25077

Letter dated 8 January 1993 from the representative of Turkey to the President of the Security Council

[*Original: English*]
[*8 January 1993*]

We have received news that Serbian forces have removed from a United Nations armoured vehicle Mr. Hakija Turajlic, Deputy Prime Minister in charge of Economic Affairs of the Republic of Bosnia and Herzegovina, and killed him on the spot. The Deputy Prime Minister was returning from the airport after greeting Mr. Orhan Kilercioglu, Minister of State of the Republic of Turkey, who was accompanying a shipment of humanitarian aid from the Government of Turkey to the people of Sarajevo.

This is a further manifestation of the brazen violations by the Serbian forces of all norms of civilized behaviour and a new challenge to UNPROFOR and the United Nations.

I am under instructions by my Government to call for an emergency meeting of the Security Council to respond to this new provocation which is part of a consistent pattern of crimes against humanity committed by the Serbs in Bosnia and Herzegovina over the last nine months.

(*Signed*) Mustafa AKSIN
Permanent Representative
of Turkey to the United Nations

DOCUMENT S/25078

Letter dated 7 January 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*9 January 1993*]

The purpose of this letter is to report to you and through you to the members of the Security Council on the latest developments relating to implementation of the provisions of the Peace Agreement for El Salvador concerning the purification of the Armed Forces [*S/23501, annex, chap. I, sect. 3*].

It will be recalled that in my letter to the President of the Security Council of 13 November 1992 [*S/24805*] I reported on arrangements which had been successfully concluded with the Government and the FMLN [*Frente Farabundo Martí para la Liberación Nacional*] to bring the armed conflict in El Salvador formally to an end on 15 December 1992. Those arrangements included agreement by President Cristiani to complete implementation of the recommendations of the Ad Hoc Commission on the purification of the Armed Forces within a specified time-frame. In particular, President Cristiani had agreed to inform me by 29 November 1992 of the administrative decisions he had taken on this matter. As I subsequently reported to the Security Council in paragraph 3 (*d*) of my report of 23 December 1992 [*S/25006*], the administrative decisions were punctually communicated to me by President Cristiani. In his letter, President Cristiani informed me that he had adopted administrative decisions concerning all the officers included in the Ad Hoc Commission's report. These decisions would be made known on 31 December 1992 at the latest and would become effective as of 1 January 1993.

On 5 January 1993, in my absence in Africa, the Under-Secretary-General for Peace-keeping Operations and my Senior Political Adviser received, by hand of Mr. Oscar Santamaria, Minister of the Presidency, and General Mauricio Vargas, Deputy Chief of Staff of the Armed Forces of El Salvador, a letter dated 1 January 1993 in which President Cristiani conveyed to me details of the measures adopted to implement the recommendations of the Ad Hoc Commission.

The recommendations of the Ad Hoc Commission concerned 103 officers. One of these was no longer a serving member of the Armed Forces. Of the remaining 102 officers, it was recommended that 26 should be transferred to other functions and 76 should be discharged. President Cristiani informed me in his letter that the following measures had been adopted in relation to 94 of these 102 officers:

(1) Twenty-five officers had been transferred to other functions;

(2) Four officers had been discharged for disciplinary reasons (one of them being the 26th officer recommended for a transfer to other functions);

(3) Nineteen officers had been discharged for administrative reasons;

(4) Thirty-eight officers had been placed on leave with pay, pending completion of the procedures for their retirement which would take place within a period not exceeding six months;

(5) Seven officers had been appointed as Military Attachés to Salvadorian embassies abroad;

(6) One officer had, for personal reasons, been permitted to remain in active service until he retired on 1 March 1993.

President Cristiani's letter went on to say that administrative decisions relating to the other eight officers would be deferred during "the period of transition", which is understood to mean during the remainder of President Cristiani's mandate as President of the Republic.

Enclosed with President Cristiani's letter were copies of the administrative orders relating to categories (1), (2), (3), (4) and (5) above. I have verified that the names correspond with those in the report of the Ad Hoc Commission.

Having carefully studied President Cristiani's letter and its enclosures, I have come to the following conclusions:

(*a*) The measures adopted in relation to categories (1), (2) and (3) above comply fully with the recommendations of the Ad Hoc Commission;

(*b*) The measures adopted in relation to categories (4) and (6) also comply broadly with the recommendations of the Ad Hoc Commission. The officers concerned will not perform any official functions with effect from 1 January 1993, but their discharge will not become effective until the legal formalities for their retirement are complete, which could in some cases take as long as six months. I nevertheless consider that these measures can be accepted as satisfactory in the circumstances;

(*c*) The appointment of the seven officers in category (5) to Military Attaché posts does not comply with the Ad Hoc Commission's recommendations which require these officers to be discharged;

(*d*) The deferral of decisions relating to the remaining eight officers is similarly not in compliance with the Commission's recommendations.

I have from the outset been conscious of the particular difficulty and sensitivity of this aspect of the Peace Agreement. As indicated above, I am ready to accept as satisfactory the measures adopted and implemented by the Government of El Salvador with respect to 87 of the 102 officers covered by the Ad Hoc Commission's recommendations, even though a number of them do not conform in all respects with those recommendations. However, the measures adopted in respect of the other 15 officers do not comply with those recommendations and are thus not in conformity with the Peace Agreement. The mandate entrusted to me by the Security Council requires me to seek full compliance by each side with all the commitments it has entered into in signing the Peace Agreement. I have therefore asked President Cristiani to take early action to regularize the position of the 15 officers in respect of whom the Ad Hoc Commission's recommendations have not yet been fully implemented.

I shall continue to report to the Security Council as appropriate on the implementation of this and other aspects of the Peace Agreement.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25084

Note verbale dated 7 January 1993 from the mission of Ukraine the Secretary-General

[*Original: Russian*]
[*9 January 1993*]

The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General and has the honour to inform him of the following:

With reference to Security Council resolution 787 (1992), on 21 December 1992 the Cabinet of Ministers of the Republic adopted decision No. 710, which provides for the strengthening of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

In accordance with the above-mentioned decision, the Ministries and authorities of Ukraine, the Council of Ministers of the Republic of Crimea, and the regional, Kiev and Sevastopol administrations, enterprises, associations, organizations and institutions engaged in transshipment across the Federal Republic of Yugoslavia (Serbia and Montenegro) of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types are instructed to ensure the implementation of the relevant provisions of Security Council resolution 787 (1992) and to take the necessary measures to keep to the minimum any potential losses of Ukraine in that regard.

The decision also requires the aforementioned institutions to make available to the Ministry of Foreign Affairs of Ukraine any necessary information on measures to implement Security Council resolution 787 (1992).

The Permanent Mission of Ukraine requests that this note be circulated as a document of the Security Council.

DOCUMENTS S/25085 AND ADD.1

Special report by the Secretary-General on the United Nations Iraq-Kuwait Observation Mission

DOCUMENT S/25085

[*Original: English*]
[*10 January 1993*]

1. I wish to report to the Security Council a number of serious developments concerning the United Nations Iraq-Kuwait Observation Mission (UNIKOM).

2. First, this morning at about 0700 hours local time, a party of some 200 Iraqis with trucks and heavy loading equipment forced entry into the six ammunition bunkers located in a former Iraqi naval base at Umm Qasr, on Kuwaiti territory, and took away most of their contents, including four "HY-2G" anti-ship missiles.

3. UNIKOM, which had maintained a 24-hour guard over the bunkers, made an effort to prevent access to them but was unable to do so. UNIKOM then attempted to prevent the Iraqi trucks loaded with items from the bunkers from leaving the scene by placing United Nations vehicles in their path. After some manoeuvring, the Iraqis surrounded the United Nations vehicles, preventing them from moving without seriously injuring or killing Iraqi personnel. The Iraqis then breached the fence and left.

4. At the first news of this incident, UNIKOM's Chief Military Observer, Major-General Timothy K. Dibuama, summoned the Senior Iraqi Liaison Officer at Umm Qasr and protested to him this serious violation. He also instructed UNIKOM's Chief Liaison Officer in Baghdad to lodge a formal protest with the Iraqi Ministry of Foreign Affairs. In their contacts with the Iraqi authorities, General Dibuama and his representatives pointed out that the Iraqi personnel, without prior clearance, had entered an area which is now known to be Kuwaiti territory and had contravened the Security Council's decision, laid down in the President's letter of 3 November 1992 (annex III), that the contents of the bunkers should be destroyed by UNIKOM or by a specialized firm acting at UNIKOM's request and under its supervision.

5. Secondly, General Dibuama has reported that up to 500 Iraqi personnel continued today to dismantle prefabricated buildings in the former naval base, also on Kuwaiti territory, and to remove the parts and other items. This activity is in violation of the procedure established by the Security Council and conveyed to me in the President's letter of 8 January 1993 (annex I). A copy of this letter was sent to the Permanent Representative of Iraq to the United Nations the same day and General Dibuama informed the Senior Iraqi Liaison Officer in Umm Qasr one day later, that is yesterday.

6. General Dibuama has kept the Kuwaiti authorities informed of the above developments. He has stationed observers at the crossing points along the border in the Umm Qasr area with instructions to stop approaching Iraqis, to warn them that they are about to enter Kuwaiti territory, and to describe to them the procedure established by the Security Council for the removal of Iraqi property and assets.

7. Thirdly, I wish to report that in a meeting at Umm Qasr on 4 January 1993, Major-General Abdallah Firas, the Chairman of Iraq's Higher Committee for Coordination, which is responsible for liaison with UNIKOM, raised with General Dibuama the question of the retrieval by Iraq of the prefabricated buildings which Iraq had made available to UNIKOM in a part of the former naval base (Camp Khor). General Dibuama referred this question to United Nations Headquarters and my colleagues have raised it with the Permanent Representative of Iraq, asking that his Government stop the workers. They have suggested that the matter be discussed, with a view to finding an agreed solution which would preserve UNIKOM's ability to carry out the mandate entrusted to it by the Security Council. The Permanent Representative had not yet responded when, on 9 January, General Firas informed General Dibuama that on 11 January the dismantling of prefabricated buildings in the former naval base would be extended to include the buildings used by UNIKOM. General Firas suggested that UNIKOM evacuate these premises.

8. The premises in question consist of 19 buildings, which house such elements as the UNIKOM's northern sector headquarters, helicopter support, and transport workshops. Others are used for the accommodation of personnel. Additional prefabricated buildings have been added by UNIKOM. I should like to point out that, by an exchange of letters, respectively dated 15 April and 21 June 1992, the Government of Iraq agreed that the land and premises it made available to UNIKOM should be inviolate and subject to the exclusive control and authority of the United Nations.

9. The above developments are taking place at a time when the Security Council is already actively seized of other aspects of the situation, such as Iraq's ban against United Nations aircraft. They cast doubt on Iraq's continued willingness to cooperate with UNIKOM and to abide by the commitments it has undertaken in this respect. As the Security Council is aware, Iraq's cooperation is essential for UNIKOM to perform its tasks effectively. It is for this reason that I am bringing these matters to the Council's attention.

ANNEX I

Letter dated 8 January 1993 from the President of the Security Council addressed to the Secretary-General

On behalf of the members of the Security Council, I have the honour to refer to your letter dated 23 December 1992 (annex II), in which you brought to the Council's attention some issues arising from the demarcation of the boundary between Iraq and Kuwait. The members of the Council considered this matter in the course of consultations of the whole on 5 January 1993 and asked me to convey to you the following:

The members of the Council concur with the general approach outlined in your letter. They are particularly concerned at the continued presence of six Iraqi police posts on Kuwaiti territory and insist on their speedy removal, by 15 January at the latest. They also note the unsafe proximity to the boundary of three other Iraqi posts and two Kuwaiti police posts.

The members have also before them a letter dated 4 January 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations and they have since taken note of UNIKOM's weekly report for the period 28 December 1992 to 3 January 1993. They believe the presence of Iraqi military personnel in the demilitarized zone was a serious violation of resolution 687 (1991). They also consider that the removal of the Iraqi property and assets from Kuwaiti territory should be undertaken only after prior clearance by UNIKOM and by the Kuwaiti authorities through UNIKOM and should be completed by 15 January 1993. The members of the Council would be obliged if you would keep them informed of development in these matters.

(*Signed*) Yoshio HATANO
President of the Security Council

ANNEX II

Letter dated 23 December 1992 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the situation in the area of operation of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), following the placement of the border pillars along the land boundary between Iraq and Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission. The demarcation of the land boundary is thus nearly complete, except for minor technical matters.

I consider it timely, therefore, to bring to the Council's attention some issues arising from the demarcation of the boundary. These concern six Iraqi police posts, part of the Iraqi town of Umm Qasr, several Iraqi farms along the eastern part of the boundary and some well heads of the Ratqah oil field, all of which have been shown to be on Kuwaiti territory.

The issue of the Iraqi police posts on Kuwaiti territory was first raised with the Iraqi authorities more than one year ago. At that time, the boundary had not yet been demarcated and the Iraqi authorities maintained that they could not withdraw the posts as this might prejudice their position regarding the boundary. They stated, however, that they would abide by the decision of the Boundary Demarcation Commission. This assurance has recently been repeated. I have requested the Iraqi authorities to withdraw the six police posts from Kuwaiti territory as soon as possible and I have instructed Major-General Dibuama, the Chief Military Observer of UNIKOM, to be in touch with those authorities regarding the necessary arrangements.

Three Iraqi police posts and two Kuwaiti police posts are now closer to the boundary than 1,000 metres, which UNIKOM, with the concurrence of both sides, has established as a reasonable distance to prevent incidents. Persistent complaints about shooting incidents involving police posts underline the continuing validity of this rule. I have accordingly instructed Major-General Dibuama to arrange with the authorities concerned that the police posts in question be moved further away from the boundary at an early date.

The issue of the Iraqi citizens and their assets which remain on Kuwaiti territory is potentially volatile and apt to give rise to increased tension and friction unless resolved soon. At the same time, it is clearly in the interest of all involved that this issue be settled in a reasonable way. I am in touch with the Governments of Iraq and Kuwait in order to promote such a settlement and to determine how the United Nations may help to bring it about. I trust that the Security Council concurs with this approach and shall keep it informed of the results of my contacts.

I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

(*Signed*) Boutros BOUTROS-GHALI

ANNEX III

Letter dated 3 November 1992 from the President of the Security Council addressed to the Secretary-General

[*Original: French*]

The members of the Security Council have examined the question you brought to the attention of the President through your letter dated 23 September 1992. They fully share the concerns expressed by UNIKOM Commander related to the threats to security linked to the presence of Iraqi and Kuwaiti military equipment in six bunkers within the demilitarized zone, near the headquarters of UNIKOM. The members of the Security Council deem it necessary, as recommended by the UNIKOM Commander, for the bunkers to be emptied of their contents.

The members of the Security Council have noted that UNIKOM has carried out, within the demilitarized zone where it is deployed, destruction of mines and ammunition that might be harmful to the observers [*your reports S/22454 and Add.1-3, approved by resolution 689 (1991), S/23106 and Add.1 and 2, S/23766 and S/24615*]. They are of the opinion that the military equipment referred to in your letter dated 23 September 1992, which also represents a threat to the security of the members of UNIKOM, should similarly be destroyed by UNIKOM or by a specialized company acting upon the request of UNIKOM and under its supervision.

In the event of UNIKOM entrusting a specific company with the destruction of the military equipment contained in the six bunkers, the cost of this operation should not be covered by the regular budget of UNIKOM but by Iraq and Kuwait. Each of these two States should support the financial burden related to the destruction of the contents of the bunkers located on its territory, i.e. on its side of the border as demarcated by the Boundary Demarcation Commission.

The members of the Security Council are of the opinion that it would be useful for UNIKOM to consult the Special Commission to enable the latter to check whether any of the military equipment contained in the six bunkers fall into the category mentioned in paragraph 8 of resolution 687 (1991). In this case, this equipment should be destroyed by the Special Commission, in coordination with UNIKOM.

(*Signed*) André ERDOS
President of the Security Council

DOCUMENT S/25085/ADD.1

[*Original: English*]
[*19 January 1993*]

1. The Chief Military Observer of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) has reported that the Iraqi authorities have withdrawn the six police posts that were located on Kuwaiti territory.

2. The withdrawal was announced to UNIKOM in the afternoon of 17 January. The Iraqi police personnel withdrew with their equipment that evening and dismantled and removed three of the posts. The next morning, they returned and removed the other three posts. This happened under UNIKOM's supervision and with the agreement of the Kuwaiti authorities, which UNIKOM had consulted. UNIKOM has inspected the six sites and has reported that everything has been removed.

3. As of midday on Wednesday, 13 January 1993, the retrieval of Iraqi assets from Kuwaiti territory has ceased.

4. In my letter of 23 December 1992 [*see S/25085, annex II*], I mentioned that three Iraqi police posts, as well as two Kuwaiti police posts, were closer to the boundary than 1,000 metres, which has been established as a reasonable distance to prevent incidents. Through an oversight, these figures did not include two Iraqi police posts that were set up in the central sector in early December 1992. UNIKOM had asked that these posts also should be moved further from the boundary. In Umm Qasr, where the boundary runs through a built-up area, three police check-points and a border post are also within the 1,000-metre range.

DOCUMENT S/25086

Letter dated 10 January 1993 from the representative of Iraq to the President of the Security Council

[*Original: Arabic*]
[*10 January 1993*]

On instructions from my Government, I have the honour of transmitting to you herewith a letter dated 9 January 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the Security Council statement of 8 January 1993 [*S/25081*].

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

LETTER DATED 9 JANUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the Security Council statement of 8 January 1993 [*S/25081*], I wish to clarify the following points:

1. The decision of which we notified the Special Commission concerning the discontinuance of the use of foreign aircraft for its operations is a temporary decision dictated by the United States threats to Iraq. Any foreign flights in Iraqi airspace will be surrounded by danger in the present circumstances.

2. We have already requested the Chairman of the Special Commission to use Iraqi aircraft for United Nations missions in Iraq and have discussed the need for so doing with the Secretary-General. The Special Commission does not have its own aircraft, as the note of Mr. Rolf Ekéus tries to suggest, but leases aircraft from States for the said missions. Why, then, does it not lease aircraft from Iraq?

While Iraqi aircraft stand parked and rusting in the airports of various countries, the United Nations leases foreign aircraft at Iraq's expense. Ignoring this request by Iraq shows arbitrariness and deliberate disregard of a legitimate request. Our request in this connection must be given earnest consideration.

3. The allegation that Iraq has stopped or hampered the missions of the Special Commission in Iraq is incorrect. The United Nations teams can either use Iraqi aircraft, and they are available, or come by land (via Amman-Baghdad). All Iraqis and Iraqi high officials use that means when travelling.

The people and Government of Iraq cannot consider the United Nations teams as higher in rank than the citizens of Iraq and Iraqi officials.

The dealings of the United Nations with a free and sovereign State ought to be marked by propriety. The insolent manner adopted by some of those in charge of United Nations missions is absolutely unacceptable, and it is this that should be condemned, not the legitimate positions and requests of an independent country that is a founding Member of the United Nations.

I hope that this letter will be brought to the attention of the members of the Security Council.

(*Signed*) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of Iraq

DOCUMENT S/25087*

Letter dated 8 January 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*11 January 1993*]

Mr. Hakija Turajlic, Deputy Prime Minister for Economic Affairs of the Republic of Bosnia and Herzegovina, was murdered today by Serbian extremists while he was under the protection of the United Nations Protection Force (UNPROFOR). Mr. Turajlic was returning from Butmir airport in an UNPROFOR vehicle escorted by other UNPROFOR vehicles on a United Nations controlled road. The UNPROFOR convoy was blocked by two tanks belonging to aggressor forces, and Mr. Turajlic was shot eight times while sitting in the vehicle.

It is my understanding that UNPROFOR was not to stop under any circumstances or to open their vehicles for inspection by aggressor forces. The astonishing circumstances of Mr. Turajlic's murder require a full explanation of the conduct of UNPROFOR at the time of the murder. Please accept this letter as a demand for such an explanation.

May I ask for your kind assistance in circulating the present letter as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative of
Bosnia and Herzegovina to the
United Nations

DOCUMENT S/25089**

Letter dated 10 January 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*11 January 1993*]

I want to express my deep gratitude to General Philippe Morillon, Commander of Bosnia and Herzegovina Command, for his prompt release of information related to the death of Deputy Prime Minister Hakija Turajlic, who was murdered by Serb and Montenegrin occupation forces while under the protection of the United Nations Protection Force (UNPROFOR) on 8 January 1993.

Nevertheless, we are extremely troubled by the fact that UNPROFOR permitted the interception of the armoured personnel carrier carrying Deputy Prime Minister Turajlic. The Deputy Prime Minister was murdered in full view of UNPROFOR forces, which had clearly acquiesced to the aggressor's demand that the vehicle be opened and that its occupants be identified. UNPROFOR acted more as a submissive hostage than as a protection force, clearly failing to use any forceful and/or preventive measures to resist this unlawful interception.

The astonishing circumstances leading to Mr. Turajlic's murder while under UNPROFOR protection demonstrate plainly that, too often, UNPROFOR offers neither protection nor force. UNPROFOR unfortunately labours under a constricted mandate, passive rules of engagement and inadequate political support. These factors have proven to be grossly counterproductive, permitting occupation forces to use UNPROFOR as an unwitting vehicle of aggression against the Republic of Bosnia and Herzegovina.

UNPROFOR's unwillingness or inability to carry out its mandate to use all necessary force for the purpose of delivering humanitarian aid, given in Security Council resolution 770 (1992), is perhaps the best example of the inadequate level of political support provided to UNPROFOR.

Whereas General Morillon reports that all sides were contacted during the two-hour negotiations for passage of the vehicle, there can be no doubt that the murder of Mr. Turajlic was supported at the highest levels

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[*] Circulated under the double symbol A/47/859-S/25087

[**] Circulated under the double symbol A/47/862-S/25089

of Serb extremist leadership in Belgrade and in Bosnia and Herzegovina. Considering the time permitted for negotiations, we cannot accept the theory that a single soldier is responsible for the murder.

The aggressors have taken every opportunity to exploit UNPROFOR's constricted mandate and, as we often see, negotiations simply facilitate their violent objectives.

Mr. Turajlic's interception and murder on a road controlled by UNPROFOR demonstrates the manifest necessity of correcting UNPROFOR's mandate and rules of engagement and of obtaining proper political support for its work if it is to function as a genuine protection force in Bosnia and Herzegovina. We therefore urge you to demand this from the Security Council in order to prevent further cases of UNPROFOR, which is under your command, being used as an unwitting vehicle of aggression against the Republic of Bosnia and Herzegovina.

May I ask for your kind assistance in circulating this letter as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative of
Bosnia and Herzegovina to the
United Nations

DOCUMENT S/25090

Letter dated 11 January 1993 from the representative of the Sudan to the President of the Security Council

[*Original: English*]
[*11 January 1993*]

Further to my letter dated 31 December 1992 [*S/25041*] I have the honour to enclose herewith a second letter from Mr. Ali Sahloul, Minister for Foreign Affairs of the Republic of the Sudan, dated 7 January 1993 concerning the same subject.*

I would be grateful if this letter could be circulated as a document of the Security Council.

(*Signed*) Ahmed SULIMAN
Permanent Representative
of the Sudan
to the United Nations

DOCUMENT S/25093

Letter dated 11 January 1993 from the representative of Iraq to the Secretary-General

[*Original: Arabic*]
[*14 January 1993*]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 11 January 1993 from Mr. Hamid Yusuf Hammadi, Acting Minister for Foreign Affairs of the Republic of Iraq, concerning the violations of Iraqi airspace by the United States U-2 spy-plane.

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

LETTER DATED 11 JANUARY 1993 FROM THE ACTING MINISTER FOR FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer you to our many letters addressed to you, to your predecessor and to the Executive Chairman of the Special Commission concerning violations of Iraqi airspace by the United States U-2 spy-plane on the pretext of carrying out an aerial survey on behalf of the Special Commission.

You perhaps recall that the Special Commission notified the Iraqi side on 1 August 1991 that it had decided to conduct aerial reconnaissances of Iraq using a United States U-2 spy-plane operating from Saudi territory. On 6 August 1991, the Iraqi Government sent a reply to this letter objecting to the use of this aircraft, by force and in a quasi-combat role, over the territory of Iraq. It stated that the choice of a United States aircraft and an American pilot for this task confirmed suspicions that the aircraft's mission would be exploited for purposes other than those of the United Nations and, moreover, that the choice of the U-2 aircraft itself represented a violation of the undertaking given by the Executive Chairman of the Special Commission in his letter of 15 May 1991 addressed to the Iraqi side stating that "the Government of Iraq may in each case designate an observer to accompany the team taking the aerial photography".

Most regrettably, the United Nations and the Special Commission took no notice of Iraq's legitimate objections, and the United States U-2 spy-plane began its violations of Iraqi airspace operating from Saudi territory on 12 August 1991. As of 10 January 1993, the number of such violations had reached 106, each of three to six hours in duration.

With each violation and on each occasion, Iraq spared no effort to enlighten the United Nations and the Special Commission, with tangible evidence, as to the true function of the aircraft, namely to spy on Iraq for purposes connected with United States policy that bear no relation to the goals of the United Nations and the terms of Security Council resolution 687 (1991). In his meetings with the members of the Security Council in March and November 1992, Mr. Tariq Aziz, the Deputy Prime Minister, stressed the hazards inherent in the continued use of the aircraft in a manner so inconsistent with the tasks and mandate entrusted to the Special Commission. The Deputy Prime Minister made it clear to the members of the Council that the use made of the aircraft had political and intelligence-gathering objectives that posed a threat to Iraq's security, and he urged a halt to the activities of an aircraft that was exploiting the cover provided by the United Nations to spy on Iraq and to advance political and intelligence-gathering purposes that bore no relation to resolution 687 (1991). The aircraft has nevertheless continued its dubious missions and has even added to them, inasmuch as it has recently increased its overflights to a rate of three a week.

A quick glance at the route taken by the aircraft during its 106 overflights of Iraqi territory indicates unequivocally that the targets chosen by it and the timing of its missions are dictated by the intelligence-gathering and political requirements of the United States and not by the needs of the Special Commission or the United Nations.

An example that demonstrates the veracity of this statement is the incident of 4 October 1991, when the aircraft's penetration coincided with the violation of Iraq's airspace by Israeli aircraft in such a way as to confirm that there were hostile goals underlying the apparent coincidence.

Similarly, the overflight by the aircraft on 5 April 1992 a few hours after the Iranian air raid on Iraqi territory brought confirmation of its espionage-related character inasmuch as its overflight for that day centred on the Iraq-Iran border area.

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*The enclosure is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

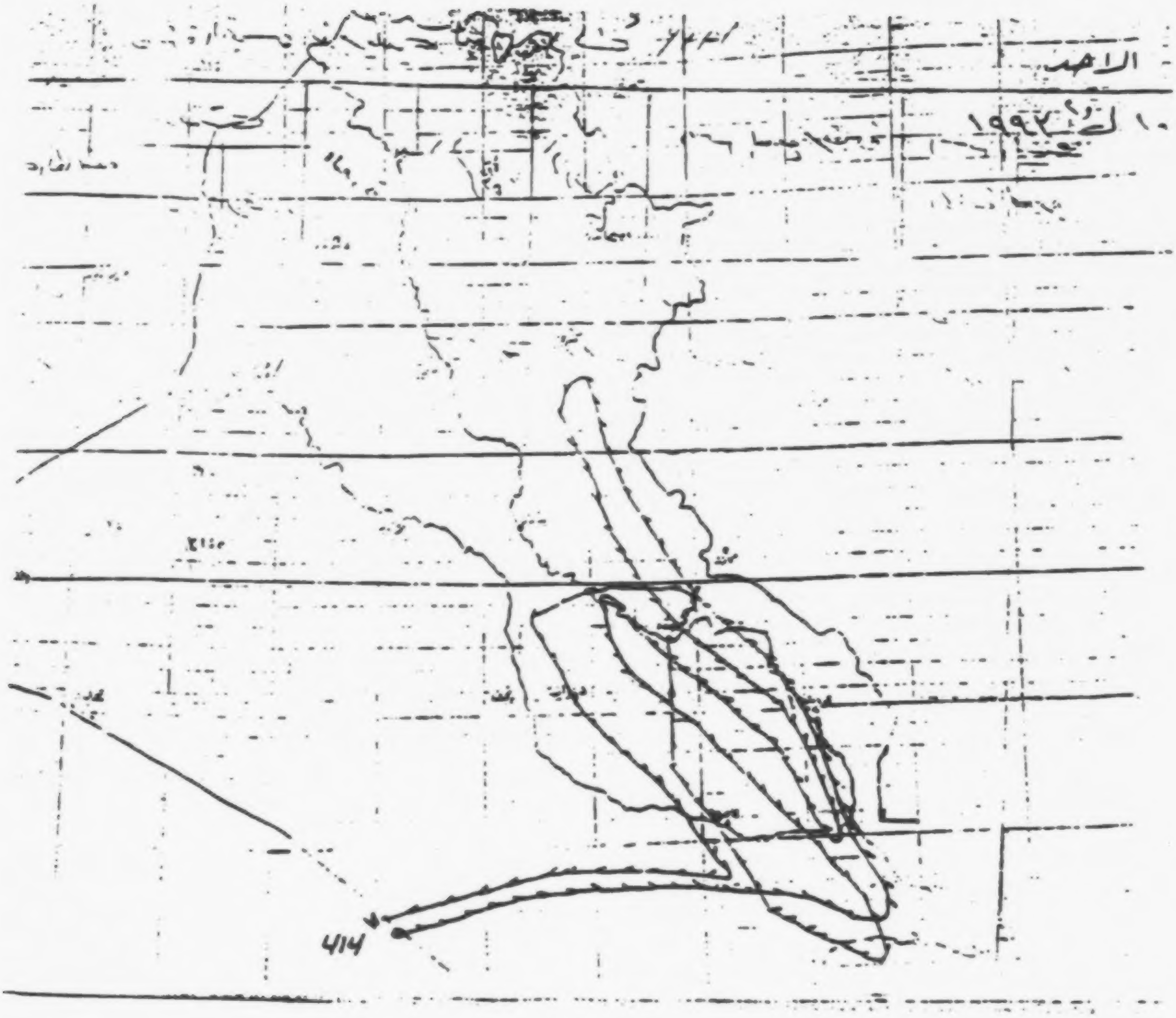
The aircraft's most recent violation of Iraq's airspace, on 10 January 1993, brings with it new proof of its hostile intelligence-gathering function, since the overflight was restricted to the southern area of Iraq on which the United States is enforcing an unlawful aerial exclusion that Iraq does not recognize. We are transmitting herewith a map of the route taken by this aircraft during its most recent violation, which clearly shows that its function on this flight along and to the south of the 32nd parallel was nothing other than observation and reconnaissance in full coordination with the warplanes of the United States fleets flying combat patrols in southern Iraq in violation of Iraq's sovereignty and territorial integrity, in breach of international law and in a manner that has no connection with the mandate of the Special Commission as set forth in Security Council resolution 687 (1991).

Such activities confirm that the aircraft in question is purely and simply a United States spy-plane and not a United Nations aircraft. Its overflights in Iraq's airspace in these circumstances create a technical dilemma. We therefore hope that you will exert your best endeavours for a halt to the activities of the aircraft in Iraq's airspace in present circumstances until the situation becomes clear.

(*Signed*) Hamed Yusuf HAMMADI
Acting Minister for Foreign Affairs
of Iraq

ANNEX

Route take by the United States U-2 aircraft
on Sunday, 10 January 1993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DOCUMENT S/25094

Letter dated 11 January 1993 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*12 January 1993*]

In accordance with the provisions of paragraph 5 of Security Council resolution 771 (1992) and paragraph 1 of resolution 780 (1992), I have the honour to draw your attention to some additional information that has become available concerning war crimes in the territory of the former Yugoslavia.

In accordance with official records of the Information and Research Department of the Ministry of Health of the Republic of Croatia (dated 4 January 1993), there have been 23,062 citizens of the Republic of Croatia wounded and 6,442 killed. There have been 6,762 civilians wounded (417 children, 3 priests and 27 physicians) and 2,181 civilians killed (75 children, 2 priests and 5 physicians); the remaining victims are members of the defence forces of Croatia. I have to point out the unusually high share of civilian casualties - about one third. The data available account only for victims that have been treated in hospitals and/or have been positively established by Croatian authorities. However, the following data represent a conservative estimate that clearly shows that the share of civilians in the total number of victims of war in Croatia is undoubtedly much higher.

Based on a considerable number of testimonies of eyewitnesses who have survived massacres, it is estimated that at least 1,000 Croatian civilians (mostly people over 60 years of age) have been massacred, summarily executed or brutally killed by Serbian paramilitary forces in temporarily occupied western and eastern Slavonia, excluding Vukovar, Banija, Kordun, Lika and Dalmacija.

There are at least 1,851 Croatian citizens who have been identified killed in Vukovar. One has to take into account that there are still 2,6 persons who have been missing since the fall of the city to the occupation forces (out of which 303 persons disappeared directly from the hospital: 18 employees, 25 auxiliary medical staff, 60 civilians and 200 wounded). Since there is reason to believe that the majority of them have been killed, the total number of victims in Vukovar can be estimated at 4,500 to 5,000 persons, 70 per cent of them civilians.

According to the lists of missing persons kept by the Croatian Red Cross, there are 13,788 persons still missing (416 of them children).

In accordance with the criteria set forth by the World Health Organization, 2,091 disabled persons have been registered so far in Croatia, 670 of those civilians and 1,421 members of defence forces. A certain number of disabled persons have in addition been registered, but have not yet been classified according to the criteria.

During the war, and until 3 December 1992, 5,261 persons from Serbian concentration camps and POW camps have been exchanged (3,766 are citizens of Vukovar). According to the results of the medical examinations done upon release, approximately 90 per cent of them have been victims of violence and maltreatment during incarceration. There is complete medical documentation in 20 cases of sexual violence, and an additional 80 cases are presently under investigation.

Until 6 December 1992, 268,526 persons within the borders of Croatia have been registered as displaced, and 426,852 coming from the Republic of Bosnia and Herzegovina have been granted refugee status. The total number of displaced persons and refugees is 695,378.

I would kindly ask your assistance in circulating this letter as a document of the Security Council.

(*Signed*) Vladimir DROBNJAK
Chargé d'affaires a.i.
of the Permanent Mission of
Croatia to the United Nations

DOCUMENT S/25095

Letter dated 12 January 1993 from the representative of the Sudan to the President of the Security Council

[*Original: English*]
[*12 January 1993*]

Further to my letter dated 11 January 1993 [*S/25090*], I have the honour to enclose herewith, for your attention, a third letter from Mr. Ali Ahmed Sahloul, Minister for Foreign Affairs of the Republic of the Sudan, concerning the border dispute between the Sudan and Egypt.

I would be grateful if you could have this letter circulated as a document of the Security Council.

(*Signed*) Ahmed SULIMAN
Permanent Representative
of the Sudan to the United Nations

LETTER DATED 11 JANUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE SUDAN ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

[*Original: Arabic*]

I wish to refer to the letter dated 3 January 1993 [*S/25051*] from the Minister for Foreign Affairs of the Arab Republic of Egypt addressed to you, following our letter to you dated 27 December 1992 [*S/25041*].

That letter comprises six major points, in addition to a three-paragraph introduction and a conclusion. We wish to comment on its contents as follows:

I. The Minister for Foreign Affairs of the Arab Republic of Egypt cites "allegations aimed at prejudicing Egypt's sovereignty over its territory". Perhaps the contents of our letter to you of 7 January [*S/25090*] and the details that it provided suffice to refute the Egyptian assertion. We do not doubt that all Members of the United Nations are aware that the Sudan has no need to have designs on what the Egyptian Minister's letter claims is Egyptian territory. However, as you know, the issue is one of truth and not one of need. Accordingly, we shall defend our cause by all political and legal means. With regard to the concern of the Government and people of Egypt for the historic relations that link the peoples of Egypt and the Sudan, the actions of the Government of Egypt in Halayib governorate are not in line with this theme. The truth is that the Sudan is the one that, over the years, has been concerned with preserving the close ties that link the two peoples of the Nile Valley in the Sudan and Egypt. Perhaps the most eloquent proof of what we say is the fact that the Sudan reported in detail all the violations committed by the Government of Egypt in the Sudanese governorate of Halayib since the beginning of 1991 in the letter dated 7 January 1993. This is patience that is due, first and last, to the Sudan's concern that Egypt should be alerted to the consequences of its violations of Sudanese territory and its grave impact on the historic relations which link the peoples of the Sudan and Egypt and about which Egypt now claims to be concerned.

The Sudan greatly prizes Sudanese-Egyptian relations on grounds of history, geography and common interest, but the actions taken by the Egyptian Government inside Sudanese territory recently are a blatant violation of the sovereignty of the Sudan and a clear breach of the fundamental principles of the United Nations, international law and international legitimacy. All of this notwithstanding, the Sudan has, at this stage, been satisfied with taking the one specific step of informing you and the esteemed members of the Security Council of the grave developments that threaten peace and security in the area, in order that you might make the necessary efforts to ensure the immediate withdrawal of the military and civilian Egyptian forces from Halayib governorate and restore the situation there to its former state, as well as circulating our letter to all States Members of the United Nations as the body concerned with the principles of the Charter and the rule of law. On this understanding, the Sudan thus affirms its respect and esteem for the historic ties between the Sudan and Egypt within the framework of total respect for rights and obligations in accordance with the norms, principles and provisions of international law.

The letter of the Egyptian Minister for Foreign Affairs claims in the second paragraph that "the Sudanese Government has, in recent times, persisted in stirring up a number of problems for non-objective ends that are at variance with the nature of the relations that link the two fraternal peoples ... in ways that might be interpreted as the exploitation beyond reasonable measure of the feelings of brotherhood and friendship harboured by the Egyptian people for the fraternal Sudanese peoples". Since the letter of the Egyptian Minister for Foreign Affairs did not specify for the Organization the problems that it referred to - and did not mention one single problem - the Sudan does not believe that there are any grounds for responding to such unfounded allegations. Our comment on the second paragraph of the letter of the Egyptian Minister for Foreign Affairs applies equally to the third paragraph, a report on something that we accept and acknowledge, which prompted us to refer the matter to you and the States Members of the United Nations.

II. Turning to the six main points contained in the body of the letter, we should note that most of them are of a mainly legal character, which quite clearly confirms the view reiterated by the Sudan that the dispute over the boundary between the two countries is a legal dispute and not a political one. Consequently, it should - indeed must - be dealt with by the proper legal means for the settlement of international disputes, beginning with negotiations and ending with arbitration or an appearance before the International Court of Justice.

The elementary principles of the legal treatment of any border dispute impose on the two parties at dispute the duty to respect the status quo at the time when the dispute arose. However, it is an established fact that Egypt, by the military and civilian measures it has taken in Halayib governorate, has disregarded and disavowed the elementary principles of legal treatment of the question, as we have explained in detail in our letter to you dated 7 January. We are revealing no secret when we say that the military and civilian measures taken by Egypt inside the Sudanese border may be in line with some of its positions. We noted that, since Egypt raised the boundary question again after keeping silent about it for many years, it has rejected any suggestion on the part of the Sudan that it was essential to settle the dispute by arbitration or before the International Court of Justice, should the two parties fail to resolve it through negotiations. In view of this fact, which Egypt disregarded because of the military and civilian measures that it had taken inside the Sudan's border and on account of its lack of commitment to legal treatment of the question, the Sudan had no course but to resort to the Security Council as the organ entrusted with the maintenance of international peace and security in the United Nations, as we saw it at that stage. The Sudan also has no course but to reply to and comment briefly on the points contained in the letter of the Egyptian Minister for Foreign Affairs because we fully realize that the Security Council is not the competent organ for the presentation of legal arguments. That task was assigned by the Charter to the International Court of Justice. In this context, the Sudan reaffirms its wish to deal with the border dispute existing between the two countries by judicial legal means (the International Court of Justice) or by quasi-judicial legal means (international arbitration) provided for in the Charter. The Sudan hopes that Egypt will announce clearly its consent to such a procedure provided that it considers that it has a legal claim.

III. The Sudan agrees with the text of article I of the Agreement of January 1899, quoted in section I of the letter from the Minister for Foreign Affairs of Egypt, but it disagrees totally with the qualification of the text as clearly demarcating the Sudan's northern "international" boundary with Egypt, as Egypt asserts. The text did not use the word "boundary". Indeed, the word "boundary" did not occur anywhere in the above-mentioned Agreement. Obviously, that was not without meaning, for the words "international boundary" were not applied at that time. Egypt was not a State but an Ottoman vilayet, on the one hand, and a de facto British protectorate, on the other, while the legal status of the Sudan was also unclear. To be brief, the 22nd parallel of latitude was an arbitrary line in the context of the conditions that imposed it and subsequent behaviour. Moreover, the Agreement of January 1899 was concluded for one basic purpose, namely the future administration of the Sudan, as its title indicates. Egypt claims under this point that "this Agreement has to this date remained the sole international document that defines the international boundary between the Sudan and Egypt. The Agreement has not been amended, except by the Supplementary Agreement on the status of the port of Suakin, signed by the representatives of Egypt and Britain on 10 July 1899". This claim is easily refuted, because the Agreement, as we have said, does not speak of an "international boundary". The 22nd parallel is merely an administrative boundary, and the Sudan therefore agrees that it represents a fundamental legal "basis" in any legal treatment of the boundary dispute between the two countries, as well as one stage in the development of the Egyptian-Sudanese border towards the later stage of an international border. There are many international instruments relating to the Sudan's boundary with Egypt, including Egypt's acknowledgement of Sudanese independence without any reservation on its part. There are the documents of the International Commission that oversaw the holding of the first democratic elections in the Sudan in 1953. It is an established fact that the provisions of this Agreement were amended and that the amendment, as we shall see later, was confirmed. In view of all this, the claim that the 1899 Agreement is the "sole international" instrument that defines the boundary between Egypt and the Sudan is impermissible.

IV. Section II of the letter of the Minister for Foreign Affairs of Egypt deals with the administrative changes made to the 22nd parallel in March 1899 and November 1902, which were approved by the Egyptian Minister of the Interior at that time, who issued them in executive decrees. Egypt wanted to reduce the significance of those two adjustments, but that was no surprise for the Sudan, because the two above-mentioned changes actually constitute the essence of the current legal dispute about the boundary, inasmuch as they were the first building blocks in the boundary that was consecrated by time in a way that obliged Egypt to accept it without contestation in many legal instances that would have made it incumbent on Egypt to express any challenge if it believed that it was entitled to do so in accordance with international law.

V. In section III, Egypt claims that it has exercised its "sovereignty" uninterruptedly over the administrative area north of the 22nd parallel from the signing of the 1899 Agreement up to the present and that this exercise of sovereignty has assumed numerous forms, principally the following:

1. "An Egyptian security and administrative presence in the area in all forms". This is merely an allegation. The fact is that Egypt had no security or administrative presence in Halayib governorate until 1958, the date on which Egypt stirred up a dispute over the boundary for the

first time. It then remained silent about it for nearly 30 years until it recently raised the matter again. If there was an Egyptian security and administrative presence, it was that established following the 1967 war, which consisted of Egyptian observer posts to spot low-flying Israeli aircraft, which the Sudan agreed to on the basis of its national commitment, so that Egypt should not be taken by surprise from the direction of the Red Sea. It is amazing that Egypt should regard the facilities accorded to it by the Sudan as an indication of the exercise of its sovereignty over Sudanese territory.

2. "Egypt's responsibility for granting concessions for drilling for minerals in the area, in addition to Egypt's engagement in mining activities in the area from 1915 up to the present". Although Egypt was influential in mining in part of the area, that was owing to the fact that the Sudan did not have the organization and related skills for such activity, to be precise. However, the position has changed completely with the change of circumstances.

3. "The official maps of Egypt, from the signing of the Agreement up to the present, show that the 22nd parallel represents the international boundary line between Egypt and the Sudan." It is evident that this Egyptian assertion signifies nothing much from a legal viewpoint regarding the dispute about Halayib governorate. In any case, Egypt's basis on this point lacks credibility and accuracy. The official maps of Egypt since the signature of the 1899 Agreement do not confirm that the 22nd parallel represents the international boundary between Egypt and the Sudan. Egyptian maps since 1899 indicate otherwise. They show both the "political boundary" and the "administrative boundary". It is self-evident that the "political boundary", which is a geographical term and not a legal one, does not necessarily mean "international boundary". What, I wonder, would Egypt say about the official Sudanese maps that continue to show what Egyptian maps regard as the "administrative boundary" as being the "international boundary" between the Sudan and Egypt? It is true that maps, from the legal viewpoint, can be evidence of topographical details or evidence backing or supporting territorial claims. The important question is what kind of map can serve such purposes?

VI. In section IV of the letter, the Egyptian Minister for Foreign Affairs asserts that "the Sudan provoked the first crisis concerning the Egyptian-Sudanese boundary in 1958" and that Egypt postponed discussion of the problem referred by the Sudan to the Security Council, following the undertaking by the Sudan not to take participation of the Sudanese population of the area in the Sudanese elections of 1958 as evidence confirming its sovereignty over those areas. He also alleges that in 1958 "Egypt did not withdraw any forces from this area". All these assertions are a factual issue. Although the Security Council is not the appropriate forum for going into the details, the Sudan will, at this stage, be satisfied with a reference back to the text of the statement issued by Egypt and read out by its representative before the Security Council on 21 February 1958 [*812th meeting*].

VII. Section V of the letter of the Egyptian Minister for Foreign Affairs deals with the meetings of the Sudanese-Egyptian Joint Commission on the boundary dispute. It claims that Egypt was surprised by the Sudanese Government's submission of a letter to the President of the Security Council, while awaiting the third meeting of the Commission, scheduled to be held at Khartoum in January 1993. It also claims that the Sudan's action is a pretext for ceasing participation in the work of the Joint Commission aimed at settling differences directly and by friendly means. These points are no more than sophistries. It is true that the third meeting of the Commission was scheduled to be held in January at Khartoum, but would it have been logical to hold this meeting following Egypt's occupation of sites inside the Sudanese boundary two weeks after the end of the second meeting of the Commission, held at Cairo. It was Egypt that blasted the third meeting of the Commission, having violated the first clause of the decisions of the second meeting, namely, respect for the current boundary situation.

VIII. Section VI of the letter of the Egyptian Minister for Foreign Affairs states that the reference in the letter of the Minister for Foreign Affairs of the Sudan to "blatant aggression committed by the Egyptian forces that infiltrated ... on 9 December 1992", as contained in our letter to you of 27 December 1992, is unacceptable, on the grounds that "never, at any time, has there been an Egyptian presence in Sudanese territory south of the 22nd parallel" and that "the Sudan's allegations that Halayib governorate is Sudanese territory rests on no legal, historical or factual basis". It is self-evident that such misrepresentation is impermissible in the administration of international relations. What is established is that Egyptian forces recently penetrated into the territory of Halayib governorate, which is located north of the 22nd parallel, and that this is the territory that is the subject of the boundary dispute between the Sudan and Egypt. Does Egypt's occupation of the disputed territory with military forces constitute anything other than blatant aggression that is by all criteria a threat to international peace and security in the area? We have seen fit to revert specifically to the contents of the letter of the Egyptian Minister for Foreign Affairs addressed to you on 3 January 1993. As we have proven, the Egyptian letter is full of sophistries and contradictions. Perhaps the best illustration of this is what it states about the meetings of the Commission on the boundary dispute. Moreover, it confirms the existence of a boundary dispute in many of its paragraphs and then concludes by stating that the Egyptian military penetration into the disputed area is normal, in the same category as Egypt's exercise of its sovereignty over its territory. It is truly strange that the Egyptian Minister for Foreign Affairs concludes his letter by the statement: "Egypt's position has been and remains to affirm the necessity of discussing any difference with the Sudan within the framework of full commitment to the provisions and principles of international law and of the covenants and agreements endorsed by the two parties."

The Sudan knows well that legal debate has its place in organs and mechanisms other than the Security Council, and we have therefore not wished to present our legal arguments beyond the extent necessary to reply to all the Egyptian statements. Of course, we have not presented the evidence on which we base our case, because of our full conviction that the boundary dispute between the Sudan and Egypt is a legal dispute. The two States will not be able to deal with it before the withdrawal of the Egyptian military and civilian forces from Halayib governorate and a return to the former situation. We have great confidence that you will make the necessary efforts to ensure the achievement of this objective.

Once again, I take this opportunity to convey to you the assurances of my highest consideration with a request that you have this letter circulated to the members of the Security Council and also to the States Members of the United Nations.

(*Signed*) Ali Ahmed SAHLOUL
Minister for Foreign Affairs
of the Sudan

DOCUMENT S/25097

Letter dated 12 January 1993 from the representative of Iraq to the President of the Security Council

[*Original: Arabic*]
[*13 January 1993*]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 12 January 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the statement made on behalf of the Security Council on 11 January 1993 [*S/25091*].

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

LETTER DATED 12 JANUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Iraq expresses its deep regret at the statement issued yesterday by the Security Council [*S/25091*], lacking as it is in objectivity.

In past days, it has been very clear that the United States Administration and its particular associate, the United Kingdom, have been trying to stack the cards. It became evident to the world that the United States had falsely claimed that the decision to impose an aerial exclusion zone south of the 32nd parallel in Iraq had been taken by the United Nations and that it had been no more than a unilateral decision violating Iraq's sovereignty and aiming at interference in its internal affairs and at its partition. As it became clear that the two were seeking to launch a new aggression against Iraq because it was exercising its natural right to sovereignty over its territory and its airspace, there were artificial and frenzied attempts to distort the situation and stack the cards for the purpose of depicting the position of Iraq as that of attempting to flout the resolutions of the Security Council or to defy the Council as alleged.

Iraq has not flouted the resolutions of the Security Council, and it has no intention of defying the Council.

With regard to the property that it retrieved from Umm Qasr, it must be said that the items in question belong to Iraq and that there can be no disputing that fact. The retrieval was carried out in a peaceful and orderly manner, and the property does not include any item prohibited under resolution 687 (1991). The clamour surrounding the matter has been contrived and the situation systematically escalated by the United States and its allies, and fragmentary and exaggerated information has been provided to the Council with the objective indicated above.

With regard to our request for a halt in the use of foreign aircraft by the Special Commission, we stated in our letter to the Council of 9 January 1993 [*S/25086*] that it was a temporary request and stressed the earnestness of our request relating to the need to use Iraqi aircraft instead of the foreign aircraft used by the Special Commission. We should like to clarify two aspects of this question:

1. Everyone knows that the United States and the United Kingdom are persisting in the threat to launch military aggression against Iraq. Should such aggression take place, Iraq would naturally respond in keeping with its right to legitimate self-defence. A situation of this kind might place the aircraft used by the United Nations in danger. The request that the operation of United Nations aircraft be suspended in these circumstances is therefore a logical one and emanates from a sense of responsibility. Iraq does not understand why the matter has been handled by the Council in this manner despite the fact that it is abundantly clear and does not call for any of the uneasiness reflected in the Council's statement.

2. Iraq has not understood what the legal and logical principles on which the Council rejected the use of Iraqi aircraft could be. In the informal consultations held by the Council yesterday, a number of members raised questions concerning this matter and no clear answer was given to them. How can Iraq's request that its aircraft be used for United Nations purposes instead of foreign aircraft possibly be interpreted as defiance of the Council or the flouting of its resolutions?

While expressing its deep regret at a type of treatment that has no basis in logic or fairness, Iraq affirms that it does not wish to have problems with the Security Council. It affirms its wish for dialogue with the Council and with all who so desire with a view to reaching mutual understanding based on justice, fairness and lawful rights. If, however, it is the intention of some to pursue a policy of imposition, coercion and the violation of rights and sovereignty, then Iraq shall not relinquish and shall not bargain with respect to matters affecting the defence of its sovereignty and its legitimate rights.

(*Signed*) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of Iraq

DOCUMENT S/25098

Letter dated 11 January 1993 from the representative of Tajikistan to the Secretary-General

[*Original: Russian*]
[*13 January 1993*]

I have the honour to inform you that the Government of the Republic of Tajikistan is taking measures to restore peace and national harmony, ensure conditions for the return of refugees and displaced persons to their homes in dignity and safety, strengthen social and political stability and the rule of law, and protect the dignity and honour of all people without distinction as to race, ethnic origin, religious belief or place of residence and facilitate their speedy integration in State and public affairs.

The objective of the activities of the Government of Tajikistan in the international sphere is to ensure the security, integrity and political independence of Tajikistan and the unity of its people, and to establish friendly relations on an equal footing with all countries, first of all with neighbouring States.

Other priorities of Tajikistan's foreign policy include the establishment and strengthening of regional cooperation in the areas of trade and economy, science and technology, culture, humanitarian affairs and information, the establishment of a system of regional and collective security, and participation in all constructive international processes.

The civil conflict has caused immense material damage to Tajikistan and has damaged its morale. The painful consequences of that conflict will be felt by our people for years to come.

Tajikistan's economic recovery and return to normal life will require not only the concerted efforts of the Tajik people but also active aid and assistance from the United Nations, the Commonwealth of Independent States and other international and regional organizations.

We are sincerely grateful to you for the attention you have given to the problems of Tajikistan. On your behalf, two United Nations missions were sent to our country; those missions helped to stabilize the situation in Tajikistan, and we are now awaiting the arrival of a group of United Nations observers with whom we promise to cooperate fully.

I have the honour to transmit to you a document prepared by the Government of Tajikistan containing an assessment of the economic and social damage caused by the civil conflict.[*]

I should be grateful if you would circulate this letter as a document of the Security Council.

(*Signed*) Lakim K. KAYUMOV
Permanent Representative of
of Tajikistan to the United Nations

DOCUMENT S/25099

Letter dated 12 January 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*13 January 1993*]

Five months ago the Security Council adopted resolution 770 (1992), as the Council was "dismayed by the continuation of conditions that impede the delivery of humanitarian supplies to destinations within Bosnia and Herzegovina and the consequent suffering of the people of that country,". Regretfully, numerous reports indicate that conditions remain unchanged. Mr. Jose-Maria Mendiluce, the director of relief operations in Bosnia and Herzegovina of UNHCR [*Office of the United Nations High Commissioner for Refugees*], confirmed the reports yesterday. He was quoted as saying that he had received "very alarming reports of deaths from cold and starvation" from wide areas, particularly eastern Bosnia and Herzegovina.

Furthermore, pursuant to the said resolution, I wish to provide the attached article, from an independent source, *New York Newsday* of 11 January 1993, entitled "Not Enough: UN Efforts for Bosnia Criticized",[**] which raises serious concerns about the ability of UNPROFOR [*United Nations Protection Force*] and willingness to provide all measures necessary for delivery of humanitarian aid and warrants an urgent response from the Council.

With respect to the comments of Mr. Mendiluce, the attached report and a letter of a similar context, dated 30 December 1992, from the Director of the Office of Displaced Persons and Refugees of the Republic of Bosnia and Herzegovina [*S/25029*], and considering paragraph 2 of the said resolution which "*calls upon* States to take nationally or through regional agencies or arrangements all measures necessary to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina", we request that the Council issue a presidential statement:

- emphasizing the severity and urgency of the situation;
- requesting that States participating in UNPROFOR invoke fully resolution 770 (1992) in the delivery of humanitarian assistance;
- requesting that "air drops" of food, as requested by Mr. Mendiluce, commence immediately.

These steps are critical for saving the lives of hundreds of thousands of innocent civilians. They are the only steps that will effectively and immediately deter the source of failure of past humanitarian deliveries which UNHCR is courageously working to overcome.

May I ask for your kind assistance in distributing this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25100

Letter dated 13 January 1993 from the Secretary-General addressed to the President of the Security Council

[*Original: English*]
[*14 January 1993*]

I have the honour to convey the attached report on the peace talks convened by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, which adjourned yesterday at Geneva.

As the report shows, potentially important progress has been achieved, particularly on the question of constitutional arrangements for Bosnia and Herzegovina. While the talks have been adjourned, the Co-Chairmen intend to continue discussions with the parties in the area in the coming days, while awaiting confirmation of Mr. Karadzic's agreement to the proposed constitutional principles. It is therefore my earnest hope that members of the Security Council will continue to extend their strong support to the Co-Chairmen in their efforts to consolidate and build upon the progress achieved.

(*Signed*) Boutros BOUTROS-GHALI

ANNEX

Report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia

INTRODUCTION

1. In my last report on the talks held between 2 and 4 January 1993 [*S/25050*], I informed the Security Council that the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia had recessed the talks until Sunday, 10 January, and had urged that there be maximum military and political restraint in the intervening days. I commented that the peace process had taken on a qualitatively new dimension and reiterated my sincere belief that, if the Council decided to adopt a resolution enforcing the ban on non-authorized flights over Bosnia and Herzegovina, it would be helpful if its implementation could take effect after a reasonable period of time.

2. Unfortunately, as the Security Council already knows, on 8 January 1993, the Deputy Prime Minister of Bosnia and Herzegovina, Mr. Hakija Turajlic, was killed in Sarajevo while under the protection of the United Nations Protection Force (UNPROFOR). I immediately issued a statement condemning this reprehensible act which, I emphasized, made it all the more necessary for the parties to cooperate in the peace talks and to conclude the agreements placed before them by the Co-Chairmen. I also initiated an investigation of the incident by appointing a Special Commission of Inquiry headed jointly by Sahabzada Yaqub-Khan, former Minister for Foreign Affairs of Pakistan and current Special Representative of the Secretary-General for Western Sahara, and Lieutenant-General Lars-Eric Walgren, Commander of the United Nations Interim Force in Lebanon (UNIFIL).

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[*] The document is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

[**] The article is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

3. On 9 January, the Co-Chairmen also condemned the killing of Mr. Turajlic which, they added, underlined the need to end the war in Bosnia and Herzegovina. On the same day the Co-Chairmen wrote to Mr. Karadzic expressing their anger at the killing of Mr. Turajlic, which they deplored. They further informed Mr. Karadzic that they expected him to take immediate action to identify those responsible for that heinous crime. They stated that swift and sure action must be taken to detain and bring to trial those involved in the incident. In addition, they asked that he and General Mladic issue unambiguous orders to their forces that type of conduct would not be condoned. They added that the suffering, death and dislocation in Bosnia and Herzegovina had gone on for too long and that the time had come to end the killing. They emphasized that the peace process must go forward.

I. STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL

4. On 8 January, at the 3160th meeting of the Security Council, the President of the Council made a statement [*S/25080*] declaring that the Council fully supported the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia aimed at achieving an overall political settlement of the crisis through a complete cessation of hostilities and the establishment of a constitutional framework for Bosnia and Herzegovina. In this connection, the Council reaffirmed the need to respect fully the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina. The Council fully endorsed the view of the Secretary-General described in his report [*S/25050*] that it was the duty of all the parties involved in the conflict in Bosnia and Herzegovina, despite the recent provocation, to cooperate with the Co-Chairmen in bringing the conflict to an end swiftly. The Council appealed to all the parties involved to cooperate to the fullest with the peace efforts and warned any party that would oppose an overall political settlement about the consequences of such an attitude. It stated that lack of cooperation and non-compliance with its relevant resolutions would compel it to review the situation in an urgent and most serious manner and to consider further necessary measures.

II. RESUMPTION OF THE PEACE TALKS

A. *First plenary meeting*

5. At the resumption of the talks, on 10 January 1993, the Co-Chairmen began by sharing their profound sorrow at the heinous killing of Mr. Turajlic on 8 January, and condemned that outrageous action. They equally condemned the brutal killing on 7 January of Minister Josip Gogala, who headed the Internal Revenue Service of Bosnia and Herzegovina. They then noted that, at the adjournment of the peace talks on 4 January, they had placed before the delegations a comprehensive package which, they believed, represented a fair, just and lasting peace in Bosnia and Herzegovina. The package consisted of a draft agreement relating to Bosnia and Herzegovina which dealt with the delimitation of provinces, a constitutional framework and humanitarian issues, and a draft agreement for peace in Bosnia and Herzegovina which dealt with observance and monitoring of the cessation of hostilities [*see S/25050, annexes V and VI*]. They reminded the delegations that, in presenting the package, they had explained that its two agreements were inextricably linked and had indicated that, if all three parties proposed mutually agreed changes, the changes would be incorporated. They noted that Mr. Boban had accepted and signed the two agreements. President Izetbegovic had accepted the constitutional principles and the agreement dealing with observance of a cessation of hostilities. He had not accepted, however, certain of the proposed provincial boundaries. Mr. Karadzic, they further noted, had deferred expressing his views with respect to both of the documents until the resumption of the peace talks. The Co-Chairmen reiterated that a historic responsibility rested upon all those present. They emphasized that peace depended on them and expressed the hope that they would discharge that high responsibility to the people of Bosnia and Herzegovina and agree with the two peace agreements that had been placed before them.

6. Following the introductory statement by the Co-Chairmen, Mr. Boban reaffirmed his delegation's acceptance of the two agreements, which he had already signed. Mr. Silajdzic stated that his delegation formally accepted the constitutional principles proposed by the Co-Chairmen (see appendix I). Mr. Karadzic stated that the two agreements were acceptable as a basis for discussion, but that further talks were necessary to settle details with regard to the constitutional principles and the proposed delimitation of provinces. With regard to the former, he tabled a document containing eight suggested principles (see appendix II).

7. Following the statement of Mr. Karadzic, the Co-Chairmen invited the other delegations to make comments. Mr. Boban appealed to the other delegations to accept and sign the package, as his delegation had done. Mr. Silajdzic sought clarification as to whether the Bosnian Serb delegation was accepting or was rejecting the Co-Chairmen's constitutional principles. The Co-Chairmen replied that Mr. Karadzic had raised issues for discussion with regard to those principles.

8. The Co-Chairmen then proceeded to examine the 10 constitutional principles seriatim, comparing the text of those they had proposed with those submitted by Mr. Karadzic and seeking clarifications from him about the meaning of his suggestions. During the ensuing discussion, the Co-Chairmen reaffirmed the importance of the concept of "three constituent peoples" and also made extensive references to other elements of the annex to the constitutional principles which had been circulated on 4 January ("Proposed constitutional structure for Bosnia and Herzegovina").

9. With regard to principle No. 1, the Co-Chairmen commented that they did not see any real difference between what they had proposed and what Mr. Karadzic had offered. The differences appeared to be mainly semantic. Both Co-Chairmen and Mr. Ahtisaari made it clear, however, that the concept of a "State within a State" would not be permitted under principle No. 1. In response to a comment by Mr. Silajdzic, the Co-Chairmen reaffirmed that Bosnia and Herzegovina was to remain an independent, sovereign State within its internationally recognized boundaries.

10. With regard to principle No. 2, which was omitted from Mr. Karadzic's list, Mr. Ahtisaari explained that it was not intended to restrict the role of the provinces on matters within their competence. In this regard, he read the following statement which, he stated, would form part of the records of the Conference explaining principle No. 2:

> "Only Bosnia and Herzegovina is to have an international legal personality. Provinces cannot conclude formal international treaties. They would, however, be allowed to enter into administrative arrangements with each other or with foreign States, as long as the subject of the agreement was one within the exclusive competence of the province concerned and did not infringe on the rights of any other province or of the central Government. Thus, agreements could be concluded in relation to education, cultural institutions and programmes, radio and television, licensing of professions and trades, use of natural resources use, health care, provincial communications, and energy production, etc. Should any question arise between one or more of the provinces wishing to conclude arrangements with each other or with a foreign entity, and the central Government or certain other provinces, as to the legality of such an arrangement, the question could be decided by the Constitutional Court at the request of any of the provinces or of the central Government."

11. With regard to principles Nos. 3 to 9, the Co-Chairmen noted that the views expressed by Mr. Karadzic related more to issues of detail than of substance. In this regard they explained that, once the constitutional principles had been accepted, a working group would be established to draft the constitution proper. In the working group, the three sides, meeting under the chairmanship of Mr. Ahtisaari and operating by consensus, would formulate the precise text of the constitution. Therefore, nothing would be imposed upon any delegation, which would be given every opportunity to express its views, to make proposals, to comment on proposals and to work out arrangements acceptable to all delegations. The Co-Chairmen further explained that, in the event of difficulties being encountered in reaching agreement on the details of the new constitution, these would be referred to them and they would then use their good offices to help to resolve such difficulties.

12. With regard to principle No. 10 proposed by the Co-Chairmen but omitted from Mr. Karadzic's list, they explained that it was introduced for the benefit of all three sides participating in the discussion. The Co-Chairmen then reviewed in detail the international monitoring and control arrangements envisaged with regard to the following matters:

(*a*) Interprovincial throughways;

(*b*) The Constitutional Court;

(*c*) The progressive demilitarization of the country;

(*d*) The non-discriminatory composition of the police;

(*e*) The International Commission of Human Rights for Bosnia and Herzegovina;

(*f*) The Ombudsmen;

(*g*) The Human Rights Court.

13. The Co-Chairmen specifically explained that, with regard to the composition of bodies dealing with constitutional issues, human rights or international guarantees, details of the composition and procedures of those bodies would be worked out in the actual drafting of the constitution.

B. *Second plenary meeting*

14. At the second plenary meeting, on 12 January, the Co-Chairmen welcomed President Milosevic (Serbia) and President Bulatovic (Montenegro) to the peace talks. They noted that, on 10 January, they had listened to comments on the agreements placed before the sides and had provided clarifications on the constitutional principles. Those clarifications had been reflected in the minutes of the plenary meeting, which had been circulated and formed part of the record of the Conference.

15. They further noted that, since the last plenary meeting, they had carried out extensive consultations. In the light of those consultations, they had combined the first and fourth principles into one, while retaining the identical wording. The 10 principles had accordingly become 9. The new version was before the delegations (see appendix III).

16. Mr. Karadzic stated that his delegation had held extensive consultations on the documents proposed by the Co-Chairmen. It had suggested some changes to those documents which had not been incorporated. It therefore repeated the following suggestions:

(*a*) The insertion of a preambular reference in the draft agreement on Bosnia and Herzegovina reaffirming the 1966 International Covenants on Human Rights;[3]

(*b*) The agreement to be signed should indicate that the map proposed by the Co-Chairmen was a basis for discussion;

(*c*) The following provision contained in working paper ICFY/4 circulated by the Co-Chairmen on 2 January 1993 should be reinstated in the constitutional principles:

> "The constitution shall recognize the three major 'ethnic' groups as the constituent units of the State, as well as a group of 'others'."

If those three points were accommodated, his delegation would accept the documents proposed by the Co-Chairmen.

17. The Co-Chairmen stated that the preambular reference to the International Covenants could be considered when the documents were prepared for signature. If there was agreement on the principles, then the discussion would proceed with regard to the map, until an accord was reached on it, so that the second change proposed by Mr. Karadzic would not be necessary.

18. Mr. Karadzic reiterated that the matter was of the greatest importance. If there was no compromise on the proposals his delegation had made, it could not accept the constitutional principles and would have to refer the matter to its Assembly and possibly to a referendum.

19. President Cosic stated that, in view of the fact that the constitutional principles guaranteed equal rights for all peoples, and taking into account that the constitution itself would be worked out through consensus, the constitutional principles were acceptable to his delegation. He appealed for continued efforts to be made in the search for peace. President Milosevic stated that he shared the views of President Cosic and that the constitutional principles proposed by the Co-Chairmen were acceptable to him.

20. Mr. Silajdzic stated that, even as the peace talks were going on, Sarajevo had been shelled and people were dying. People were also dying from hunger and cold. He stated that the most urgent issue was to place all heavy weapons under United Nations control. The Co-Chairmen pointed out that the issue of heavy weapons had been already addressed in the documents proposed by them and that there seemed to have been a general understanding on dealing with such weapons as part of the package.

21. Mr. Boban requested that the floor be given to Prime Minister Akmadzic of Bosnia and Herzegovina. He warmly welcomed the peace efforts of the Co-Chairmen and expressed appreciation for their statements of condolences at the heinous murder of Mr. Turajlic and Mr. Gogala. After stating that there was no consensus on the composition of the delegation of Bosnia and Herzegovina, which could be decided only by the people of the country, he reiterated that the Bosnian Croat delegation accepted the documents proposed by the Co-Chairmen. He appealed for efforts to continue to bring the parties closer together.

22. President Tudjman expressed his surprise at the fact that, after all the efforts made, agreement had not been reached on the constitutional principles. He noted that could mean not only continuation of the war, but also its expansion. He referred to an agreement he had proposed between the Republic of Croatia and the Federal Republic of Yugoslavia, and he urged the Co-Chairmen to use their good offices to help to achieve normalization of relations between the two countries.

23. At the invitation of the Co-Chairmen, the Chairperson of the Humanitarian Issues Working Group, Mrs. Ogata, United Nations High Commissioner for Refugees, made an appeal to the delegations present for their cooperation on humanitarian activities in the former Yugoslavia, especially in Sarajevo. She particularly stressed the importance of free and unhindered access to people in need of humanitarian assistance; safe passage for humanitarian convoys; and safety and respect for all humanitarian relief staff.

24. Following these statements, the Co-Chairmen then adjourned the meeting. They stated that they would have bilateral talks with the delegations. They requested that all delegations be available for consultations upon short notice. If the Co-Chairmen felt that there was reason to convene another plenary meeting, they would do so. They again strongly appealed for military and political restraint. They noted in that regard that the three sides in Bosnia and Herzegovina had agreed on 10 November 1992 to a cessation of hostilities throughout Bosnia and Herzegovina and had reconfirmed that agreement on 13 December.

25. Several hours after the conclusion of the plenary session, Mr. Karadzic issued a statement that he had decided to agree with the proposed constitutional principles provided that his "assembly" confirmed that agreement within seven days.

APPENDIX I

Constitutional principles for Bosnia and Herzegovina proposed by the Co-Chairmen on 2 January 1993

(1) Bosnia and Herzegovina shall be a decentralized State, with most governmental functions carried out by its provinces.

(2) The provinces shall not have any international legal personality and may not enter into agreements with foreign States or with international organizations.

(3) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways.

(4) The constitution shall recognize three "constituent peoples", as well as a group of "others".

(5) All matters of vital concern to any of the constituent peoples shall be regulated in the constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group.

(6) The provinces and the central Government shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The presidency shall be composed of three elected representatives each of the three constituent peoples. The initial elections are to be under United Nations/European Community/Conference on Security and Cooperation in Europe supervision.

(7) A constitutional court, with a member from each group and a majority of non-Bosnian members initially appointed by the International Conference on the Former Yugoslavia, shall resolve disputes between the central Government and any province, and among organs of the former.

(8) Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision.

(9) The highest level of internationally recognized human rights shall be provided for in the Constitution, which shall also provide for the ensurance of implementation through both domestic and international mechanisms.

(10) A number of international monitoring or control devices shall be provided for in the Constitution, to remain in place at least until the three constituent peoples by consensus agree to dispense with them.

APPENDIX II

Constitutional principles for Bosnia and Herzegovina proposed by the Bosnian Serb delegation of 10 January 1993

(1) Bosnia and Herzegovina shall be a composite State, with most of the State functions carried out by its provinces.

(2) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways.

(3) The constitution shall recognize three constituent peoples as its three constituent units, as well as a group of others.

(4) All matters of vital concern to any of the constituent peoples shall be regulated in the constitutional agreement, which would be adopted by consensus of these constituent peoples; ordinary government business is not to be veto-able by any group.

(5) The provinces and the central Government shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. Central authorities shall be composed on a parity basis with a consensual or highly qualified majority in the decision-making process. The presidency shall be composed of three elected representatives each of the three constituent peoples. The initial elections are to be under United Nations/European Community/Conference on Security and Cooperation in Europe supervision.

(6) A constitutional court, with a member from each constituent people, shall resolve disputes between the central Government and any province, and among organs of the former. A number of foreign experts may be nominated to the constitutional court at the proposal of each constituent people on an equal basis.

(7) Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision.

(8) The highest level of internationally recognized human rights shall be provided for in the constitution, which shall also provide for the ensurance of implementation through both domestic and international mechanisms.

APPENDIX III

Consolidated constitutional principles for Bosnia and Herzegovina proposed by the Co-Chairmen

(1) Bosnia and Herzegovina shall be a decentralized State, the constitution shall recognize three constituent peoples, as well as a group of others, with most governmental functions carried out by its provinces.

(2) The provinces shall not have any international legal personality and may not enter into agreements with foreign States or with international organizations.

(3) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways.

(4) All matters of vital concern to any of the constituent peoples shall be regulated in the constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group.

(5) The provinces and the central Government shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The presidency shall be composed of three elected representatives each of the three constituent peoples. The initial elections are to be under United Nations/European Community/Conference on Security and Cooperation in Europe supervision.

(6) A constitutional court, with a member from each group and a majority of non-Bosnian members initially appointed by the International Conference on the Former Yugoslavia, shall resolve disputes between the central Government and any province, and among organs of the former.

(7) Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision

(8) The highest level of internationally recognized human rights shall be provided for in the constitution, which shall also provide for the ensurance of implementation through both domestic and international mechanisms

(9) A number of international monitoring or control devices shall be provided for in the constitution, to remain in place at least until the three constituent peoples by consensus agree to dispense with them

DOCUMENT S/25102*

Letter dated 13 January 1993 from the representative of Yugoslavia to the Secretary-General

[*Original: English*]
[*13 January 1993*]

I have the honour to transmit herewith the text of a letter from the President of the Federal Republic of Yugoslavia, Mr. Dobrica Cosic.

I should be grateful if you would have the present letter and the attachment circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER FROM THE PRESIDENT OF YUGOSLAVIA ADDRESSED TO THE SECRETARY-GENERAL

In his letter of 26 December 1992, the Yugoslav Army Chief of Staff advised the Commander of UNPROFOR of massive violations of the no-fly zone in the former Bosnia and Herzegovina by Croatia and of a number of abuses of Cazin Airport for purposes of delivering weaponry and equipment to the Muslim forces.

However, with reference to your notes to the Security Council of 29 December 1992 and 4 January 1993 [*S/24900/Add.7 and 8*], I have noted with regret further and increasing abuses of Cazin Airport. Of the 25 reported unauthorized flights from 23 December 1992 to 3 January 1993, 17 flights landed or departed from Cazin Airport: 7 from or to Pleso Airport, 5 from or to Pula Airport, and no information was available related to the take-off and landing points of the remaining 5 flights. It was noted on a number of occasions that the aircraft violating the ban had been camouflaged and carried no prescribed markings.

In the light of the importance attached by the United Nations and yourself to the observance of the no-fly zone in the former Bosnia and Herzegovina, and the worrisome implications of its possible abuse to serve as a pretext for the use of force with unforeseeable consequences, I should like to assure you that the competent authorities of the Federal Republic of Yugoslavia and I personally are devoting our utmost attention to this matter. In this regard, I wish to highlight the following facts:

1. Since the imposition of the no-fly zone and the deployment of United Nations observers at airports in the Federal Republic of Yugoslavia, not a single Yugoslav Army aircraft has violated the ban. All allegations to that effect have been refuted by documentary evidence. I wish to reassure you that we shall continue to observe the ban strictly and seek to clarify all possible cases under suspicion by working closely with the competent United Nations authorities.

2. In our communications with General Nambiar as well as in the present letter to you we have referred solely to the facts contained in your notes to the Security Council as established by the United Nations observers on the ground. We intend to follow the same practice in the future as well. We have no intention of making any false accusations nor of giving this problem dimensions it does not have. Truth is our sole concern.

3. At the same time, the Croatian side has been violating the no-fly zone unhindered as if aiming to trigger the use of force against the Serb people.

4. The Muslim side, consistent with its overall position held ever since the outbreak of the war in Bosnia and Herzegovina - which it is the most responsible for - has made, through its representative to the United Nations, false accusations against the Republic of Srpska and the Federal Republic of Yugoslavia regarding the alleged violations of the no-fly zone. The Permanent Muslim Representative to the United Nations set out in his letter of 29 December 1992, among other untruths, that the Serb and Montenegrin forces had carried out 24 military flights from 23 to 27 December in the area of Srebrenica alone although the competent United Nations authorities had not traced a single flight in that area.

You share my view, I trust, that at this crucial juncture it is most important to do our utmost to familiarize the Security Council, the international public and all the concerned international leaders with the actual scope of the problem on our hands and the share of responsibility borne by each of the parties involved, and that it is essential in view of the above to preclude misinformation and unsubstantiated allegations. Could you therefore kindly pass the present letter on to the Security Council.

Dobrica COSIC
President

DOCUMENT S/25103

Letter dated 12 January 1993 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council

[*Original: Arabic*]
[*13 January 1993*]

In my capacity as Chairman of the Group of Arab States for the month of January 1993, I have the honour to transmit to you herewith the text of resolution 5269 of 12 January 1993, which was adopted by the Council of the League of Arab States at its extraordinary session held on 11 and 12 January 1993 at the level of Ministers for Foreign Affairs, concerning the expulsion by Israel of Palestinian citizens from the occupied Palestinian territory to Lebanese territory occupied by Israel.

I should be grateful if you would bring the resolution and the requests that it addresses to the Council to the attention of its members and if you would have the present letter and the attachment circulated as a document of the Security Council.

(*Signed*) Ibrahim A. OMAR
Chargé d'affaires a.i.
of the Permanent Mission of the
Libyan Arab Jamahiriya
to the United Nations

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*Circulated under the double symbol A/48/65-S/25102.

TEXT OF THE RESOLUTION

The Council of the League of Arab States, meeting in extraordinary session at the level of Ministers for Foreign Affairs on 11 and 12 January 1993,

Having considered the note of the Permanent Mission of the State of Palestine to the League of 26 December 1992, the note of the Permanent Mission of the Lebanese Republic to the League of 11 January 1993 concerning the deportation by Israel of Palestinian citizens from the occupied Palestinian territory to Lebanese territory occupied by Israel, the note of the General Secretariat on the same subject, and Security Council resolution 799 (1992) of 18 December 1992,

Noting Israel's continued intransigence in its refusal to implement the Security Council resolution requiring the immediate return of the Palestinian deportees to their territory and their homes,

Decides:

1. To condemn Israel strongly for its crime of deporting more than 400 Palestinians from the occupied territory in violation of the acknowledged norms of international law and in particular the provisions of the fourth Geneva Convention of 1949;[1]

2. To warn of the grave dangers arising from this violation and from the policy of banishment and collective expulsion being pursued by Israel whether for security and stability in the region or for the ongoing peace process;

3. To condemn Israel for its violation of the sovereignty of the Lebanese Republic by deporting Palestinian citizens to occupied Lebanese territory, and to endorse and support the decisions of the Lebanese Government in this regard;

4. To invite the Security Council to take adequate measures to compel Israel immediately to implement resolution 799 (1992), including the invocation of the provisions of Chapter VII of the Charter of the United Nations;

5. To invite the United Nations to devise an appropriate mechanism to enforce the implementation of the provisions of the fourth Geneva Convention, in particular by the establishment of an international force to provide protection to the citizens of the occupied Palestinian and Arab territories;

6. To call upon the Security Council speedily to adopt the necessary measures to ensure the necessary relief for the Palestinian deportees by way of the occupied Palestinian territory;

7. To request the Secretary-General of the League to follow up the implementation of this resolution and to submit a report thereon to the Council;

8. To consider the session of the Council as open-ended, and to authorize the Chairman of the session and the Secretary-General of the League to summon the Council to convene in order to consider any important developments relating to this matter.

DOCUMENT S/25105

Letter dated 13 January 1993 from the representative of Senegal to the Secretary-General

[*Original: French*]
[*14 January 1993*]

I have the honour to transmit to you herewith the text of a communiqué from the Government of the Republic of Senegal concerning the withdrawal of Senegalese troops from Liberia.

I should be grateful if you would have this letter and the text of the communiqué circulated as a document of the Security Council.

(*Signed*) Mame Balla SY
Chargé d'affaires a.i.
of the Permanent Mission of
Senegal to the United Nations

TEXT OF THE COMMUNIQUE

True to its commitment always to strive for the promotion and defence of peace and security wherever they are under threat, Senegal sought active involvement together with other States members of the Economic Community of West African States (ECOWAS) in seeking a just and durable peace in Liberia.

It did so in the conviction that such a peace would be achieved by a settlement negotiated by all the parties to the conflict that for three years has been tearing this fraternal country apart.

It was in this context and at the explicit request of the National Patriotic Front of Liberia (NPFL) that our country sent troops to participate, in a spirit of strict neutrality, in the mission of the ECOWAS Cease-fire Monitoring Group (ECOMOG).

It was in the same spirit that it participated actively in all the meetings held to advance the cause of peace in Liberia.

Despite numerous obstacles to a political settlement constantly created by one of the parties to this conflict - in the event, Charles Taylor's NPFL - and despite the loss of 14 of its soldiers, fallen on the field of honour in the service of peace, Senegal nevertheless continued to make considerable sacrifices in order to assist the fraternal people of Liberia to restore peace and national concord.

In parallel with the presence of its soldiers on the spot, Senegal made active endeavours at the diplomatic level in concert with the other members of ECOWAS for the effective involvement of the United Nations in the search for a peaceful solution to the conflict in Liberia.

The results of this activity included the adoption by the Security Council of its resolution 788 (1992) of 19 November 1992 by which the Secretary-General of the United Nations was requested to dispatch a special representative to Liberia, thereby expressing the willingness of the United Nations to participate actively in the search for a peaceful solution to the Liberian crisis.

Given this new situation and in light of internal dictates, the Government has decided to withdraw the Senegalese contingent of ECOMOG, which has accomplished the mission entrusted to it most effectively. As before, it remains intent on striving for a just and durable political solution to the crisis being endured by the fraternal people of Liberia, in accordance with the Yamoussoukro IV Accord of 30 October 1991 [*see S/24815*] as reaffirmed at Geneva.

DOCUMENT S/25106*

Letter dated 13 January 1993 from the representative of Venezuela to the Secretary-General

[*Original: Spanish*]
[*14 January 1993*]

I have the honour to address you in order to transmit to you herewith a copy of a press release of 8 January 1993, issued by the Inter-American Commission on Human Rights of the Organization of American States.

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*Circulated under the double symbol A/47/867-S/25106.

The press release in question serves to illustrate in particular the conditions prevailing in Haiti and the urgent need facing the international community to join efforts to restore democracy in that country and ensure full observance of the human rights of its population.

I should be grateful if you would have this letter and the attachment circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Diego ARRIA
Permanent Representative
of Venezuela to the United Nations

TEXT OF THE PRESS RELEASE

For more than three months, the Inter-American Commission on Human Rights (IACHR) has repeatedly requested the consent of the de facto Government of Haiti in order to visit that country and be able to verify *in situ* the numerous reports that have been received of human rights violations attributed to repressive actions by the armed forces, the police and auxiliary civilian groups operating under their orders. IACHR informed the Government of its intention to make two visits: an initial fact-finding visit, which was to be carried out from 13 to 15 December 1992 and a visit *in loco*, which was to be made from 11 to 15 January 1993. The de facto Government has still not given the necessary consent. On the contrary, on 8 December, IACHR received a communication from the Ministry of Foreign Affairs of Haiti informing it that the date for carrying out the visits would be communicated in the next few days; however, it was not until a month later that the de facto authorities replied that "the visit by the Inter-American Commission on Human Rights does not seem necessary to the Haitian Government".

Reports submitted by the victims themselves and information from reliable sources indicate that numerous persons have been summarily executed, illegally arrested, maltreated and tortured by members of the armed forces and the police. In most cases, the victims have been supporters of deposed President Jean-Bertrand Aristide and other cases involve people that are merely suspected of supporting him. Demonstrations and meetings have been violently suppressed; and journalists have not been permitted to make the facts known. Many of the victims of such violations are leaders or members of people's and human rights organizations, students, journalists, shopkeepers, farmers and members of the Catholic Church.

In rural areas, the repression and violence have been aggravated by the reappearance of the "Section Chiefs", who operate with the acquiescence of the military and in complete impunity. Both in the country's capital as well as in the provinces, the population is the victim of corruption on the part of the de facto authorities as well as extortion carried out against civilians by the military, who require them to pay sums of money in order to avoid being arrested or maltreated or simply to improve the conditions in which they live in the detention centres and sometimes even to obtain their freedom.

The climate of fear and insecurity in the country has caused a situation in which a large part of the population, particularly those who support the return of President Aristide, is seeking refuge in the interior of the country, thus being forced to abandon their homes and go into permanent hiding. This situation has also forced a large number of Haitians to flee the country in unsafe vessels in order to request asylum in the United States.

The practice of "preventive repression" carried out against the civilian population and the deterioration of the political situation have caused continued violations of individual guarantees, such as the right to life, physical safety, individual freedom, freedom of opinion and expression and freedom of assembly and association; all these guarantees are protected by the American Convention on Human Rights: "Pact of San José, Costa Rica",[6] to which the Republic of Haiti is a State party.

The Commission should point out that, regardless of the political situation in a State party, the American Convention on Human Rights continues to be in force. Accordingly, the Commission stresses that those exercising power in a State, albeit de facto power, are obliged to respect the individual human rights recognized by the American Convention on Human Rights.

The Special Meeting for Ministers of Foreign Affairs adopted on 13 December 1992 a resolution entitled "Restoration of democracy in Haiti", which decided to "mandate the Chairman of the Special Meeting of Ministers for Foreign Affairs and the Secretary-General of the Organization of American States to cooperate in implementing the measures taken by the Chairman of the Inter-American Commission on Human Rights, taking into account the grave and persistent violations of human rights in Haiti and, in view of the refusal by the current, de facto authorities, in order to enable the Commission to carry out a visit *in loco* as soon as possible".

IACHR remains firmly determined to go to Haiti in order to investigate in the field the grave violations reported and, in view of the refusal by the de facto Government to cooperate with the Commission, reiterates its appeal to all non-governmental human rights organizations, particularly those operating in Haiti, as well as the victims and their relatives and, in general, all those who, because of the political crisis, have suffered any violations of their individual guarantees, to transmit their reports to IACHR.

IACHR calls upon the de facto Government and, particularly, the armed forces to halt their systematic violations of human rights, of which the Haitian population is the victim.

DOCUMENT S/25108

Letter dated 14 January 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[*Original: Spanish*]
[*15 January 1993*]

We have the honour to bring to your attention the text of the declaration on the former Yugoslavia, adopted by the European Community and its member States on the occasion of the ministerial meeting held in Paris on 13 January 1993.

We should be grateful if you would have the text of this letter and the declaration circulated as a document of the Security Council.

(*Signed*) Jean-Bernard MERIMEE
Permanent Representative of France

(*Signed*) Juan A. YAÑEZ-BARNUEVO
Permanent Representative of Spain

(*Signed*) Sir David HANNAY, KCMG
Permanent Representative
of the United Kingdom
of Great Britain and Northern Ireland

TEXT OF THE DECLARATION

[*Original: English/French/Spanish*]

The European Community and its member States met in Paris on 13 January 1993 to discuss the present state of the negotiations in Geneva under the International Conference on the Former Yugoslavia. They heard a report on this matter from Lord Owen.

The Ministers expressed their firm support for the efforts of the Conference and the two Co-Chairmen. The proposals for a political solution to the situation in Bosnia and Herzegovina tabled in Geneva represent the only possibility for a peaceful outcome.

The Ministers expressed their unequivocal demand that the Bosnian Serbs accept the proposed constitutional framework for Bosnia and Herzegovina and the document on military arrangements without any conditions whatsoever within the next six days.

If this will not be the case, the European Community and its member States will ask the Security Council to consider measures needed to be taken accordingly. Time is running out and no more delaying tactics will be tolerated.

While the negotiating process gives some hope for positive progress, the military actions and aggressions by the Bosnian Serbs continue to inflict immense human suffering on the population of Bosnia and Herzegovina, most notably its Muslim inhabitants.

The Ministers stressed the need for an international criminal court and expressed their readiness to support this issue at the United Nations.

The European Community and its member States will ask the Security Council to complete its consideration on enforcement of Security Council resolution 781 (1992) (no-fly zone).

The European Community and its member States consider it of the utmost importance to implement strictly the agreed sanctions towards Serbia and Montenegro. The leaders of those Republics must use all their undoubted influence on the leaders of the Bosnian Serbs to make them understand that by their present acts of violence and unspeakable brutality towards the population of Bosnia and Herzegovina they are dooming themselves and the Federal Republic of Yugoslavia to total international isolation with the gravest consequences for a very long time to come.

The European Community and its member States will remain actively seized of the matter. Preparatory work on further measures leading to total isolation will start immediately and Ministers will reconvene if the present hope for a negotiated settlement in Geneva is not fulfilled.

DOCUMENT S/25109

Letter dated 14 January 1993 from the representative of Senegal to the Secretary-General

[*Original: French*]
[*15 January 1993*]

I have the honour to transmit to you herewith the statement by Mr. Abdou Diouf, President of the Republic of Senegal, as the current Chairman of the Organization of African Unity, on the situation in Angola.

I should be grateful if you would have the text of this letter and the statement circulated as a document of the Security Council.

(*Signed*) Mame Balla SY
Chargé d'affaires a.i.
of the Permanent Mission of
Senegal to the United Nations

TEXT OF THE STATEMENT

Over the past few days the situation in Angola has seriously deteriorated, which greatly concerns and deeply perturbs the Organization of African Unity (OAU). Contrary to our expectations, neither the numerous initiatives taken by OAU to bring the conflict to an end, nor the initiatives taken by the United Nations and a number of Governments, have led to the establishment of a climate of confidence to promote national reconciliation following the presidential and legislative elections that took place on 29 and 30 September 1992.

Entirely to the contrary, and to our great regret, the confrontations are intensifying and spreading throughout the country, thus sowing the seeds of a new civil war, which would be a tragedy not only for Angola and the southern subregion of Africa but also for the whole of Africa.

In view of this particularly perturbing situation, I should like, as current Chairman of OAU, to make a solemn and urgent appeal to the Angolan political leaders to put an immediate end to the hostilities and to enter into a frank and genuine dialogue based both on fulfilment of their commitments under the Bicesse Accords and on respect for the choice made by the Angolan electorate in the elections in September 1992.

OAU, which has in recent months spared no effort to help to restore peace in Angola, is more willing than ever to work to promote dialogue with a view to bringing about national reconciliation. It is willing to take appropriate action in cooperation with the United Nations and all those of good will who, around the world, are willing to contribute to the continuation of the concerted action already initiated with a view to putting an end to the violence and restoring peace and national harmony in Angola.

DOCUMENT S/25110

Letter dated 13 January 1993 from the representative of South Africa to the Secretary-General

[*Original: English*]
[*15 January 1993*]

I have the honour to attach the text of a press statement by the Minister for Foreign Affairs, Mr. R. F. Botha (issued on 29 December 1992), in response to the report of the Secretary-General on the question of South Africa [*S/25004 of 22 December 1992*].

I should be grateful if the text of the present letter and the statement could be circulated as a document of the Security Council.

(*Signed*) V. R. W. STEWARD
Permanent Representative of
South Africa to the United Nations

TEXT OF THE STATEMENT

The Minister for Foreign Affairs takes note of the Secretary-General's report on the question of South Africa as submitted to the Security Council on 23 December 1992 and the observations contained in it.

The South African Government welcomes the report's guarded optimism. This is also the feeling of the Government at it enters the New Year. The Secretary-General's call on all political leaders to actively discourage violence on the part of their supporters and to take part in the planned meeting of the signatories to the National Peace Accord is important. The South African Government undertakes to carry out its share of this responsibility, and as its record shows, has done everything which could reasonably be expected of it to curb the violence. Recent events prove that the Government continues to be committed to this objective. The South African Government likewise notes the Secretary-General's support for the principle of inclusiveness for achieving the transition to democratic rule through free elections and new constitutional arrangements. This is also the position of the Government. I am pleased that the Secretary-General has given due recognition to the work of the Goldstone Commission. It is important that all parties cooperate fully with the Commission. The question of illegal weaponry that is smuggled into South Africa from neighbouring States remains a matter of grave concern. The South African Government urges Governments to take note of the reference in the report that Judge Goldstone would welcome assistance from the international community, and the United Nations in particular, in order to secure the cooperation of Governments which serve as hosts to training camps and bases for armed formations operating in South Africa.

As regards the Secretary-General's comments on the status of Battalions 31 and 32 and "Koevoet", the question of hostels and the question of dangerous weapons, it would seem that the Secretary-General is not yet fully aware of all relative aspects which make these problems difficult to resolve overnight. The South African Government is prepared to elucidate these matters further with representatives of the Secretary-General.

The South African Government notes the concern expressed by the Secretary-General over violence and intimidation directed against women, and trusts that all such violations will also be brought to the attention of the Goldstone Commission. The Government shares the aspirations of the Secretary-General concerning democratic parity for women in South Africa, and already signalled its intentions in this regard when the State President announced on 17 August 1992 that the Government had decided to sign three major international conventions relating to women and women's rights, and to accede to one other. Included amongst them is the Convention on the Political Rights of Women.[7]

DOCUMENT S/25111

Letter dated 16 January 1993 from the representative of Iraq to the President of the Security Council

[*Original: Arabic*]
[*16 January 1993*]

On instructions from my Government, I have the honour to transmit herewith the text of a note dated 16 January 1993 from the Ministry of Foreign Affairs of the Republic of Iraq. This note is a reply to the letter dated 15 January 1993 from Mr. Pierce Corden, Deputy Executive Chairman of the Special Commission.

I should be grateful if you could bring this note to the attention of the members of the Security Council and arrange for the text of this letter and of the note to be circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

TEXT OF THE NOTE

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Special Commission and, with reference to the letter dated 15 January 1993 from Mr. Pierce Corden, Deputy Executive Chairman of the Special Commission, addressed to the Permanent Representative of Iraq to the United Nations and the memorandum dated 15 January 1993 from the Special Commission addressed to the Ministry concerning the notification of flight plans for the C-160 aircraft chartered by the Special Commission for 17, 18, 19 and 20 January 1993, has the honour to state the following:

1. We once again confirm that Iraq has decided to permit the aircraft chartered by the United Nations to come to Iraq on a case-by-case basis and to use the Habbaniyah airfield according to the procedures already followed. This clearly means permission for the C-160 aircraft chartered by the Special Commission to come to Iraq on the basis of the flight plans for 17, 18, 19 and 20 January 1993 given in the schedule annexed to the above-mentioned memorandum from the Special Commission.

2. Iraq is currently subjected to military aggression carried out by United States, United Kingdom and French fighter planes. As a result of this ongoing aggression, Iraq is forced to exercise its right of self-defence. The situation created by the aggression launched jointly by the United States, the United Kingdom and France clearly threatens the safety of all aviation in Iraqi airspace. Iraq is not the cause but the victim of this dangerous situation. We therefore wish to stress that Iraq cannot be held responsible for the safety of any aircraft whatsoever within Iraqi airspace.

3. The obligations of Iraq, referred to in the Special Commission note dated 15 January 1993 addressed to the Security Council, for ensuring the security and safety of Special Commission personnel had been decided before the United States, the United Kingdom and France imposed the "no-fly zone" south of the 32nd parallel, long before the perpetration of the current military aggression against the sovereignty and territorial integrity of our country.

4. The response of Iraq does not in any way constitute a refusal to assume its obligations; nor is it correct to say that Iraq is not ensuring the safety of Special Commission personnel. Iraq does ensure the safety and security of United Nations personnel in its territory. But the prevailing situation of an ongoing armed aggression has obliged Iraq to ask the Special Commission to assume responsibility for ensuring the safety of its own flights under these circumstances.

5. Accordingly, the interpretation given to the Iraqi response of 15 January 1993, namely, that it constitutes a refusal on the part of Iraq of the Commission's notification and an abdication of Iraq's obligations, is nothing but a distortion of the Iraqi position.

In spite of the clarity and justice of the Iraqi position as described above and of the serious dangers to which Iraq and its people are being subjected because of the military aggression currently inflicted on them by United States, United Kingdom and French war planes, and in order to foil the manufactured pretexts incessantly invoked to justify the aggression against Iraq and misrepresent the situation as being one of confrontation between Iraq and the United Nations, Iraq hereby agrees to the arrival of Special Commission aircraft and will ensure the safety of these aircraft if they enter Iraqi airspace from the west using the direct flight route between Amman (or any other point in Jordan) and Habbaniyah. The Special Commission will have to notify us of the time at which the aircraft is expected to cross the frontier and enter Iraqi airspace and of the duration of the flight between the point of entry and the point of arrival at the Habbaniyah airfield. Similar notification should be given with regard to return flights over the four days specified in the annex to the Special Commission memorandum of 15 January.

We hope that the Special Commission will not allow itself to be used by the countries perpetrating the aggression against Iraq to achieve special objectives against Iraq which are totally irrelevant to the goals of Security Council resolution 687 (1991).

The Ministry of Foreign Affairs of the Republic of Iraq takes this opportunity to renew to the Special Commission the assurances of its highest consideration

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DOCUMENT S/25115

Letter dated 15 January 1993 from the representative of Kuwait to the President of the Security Council

[*Original: Arabic and English*]
[*16 January 1993*]

On instructions from my Government, I should like to convey the following:

The continued presence of six Iraqi police posts in Kuwaiti territory is a serious violation of the sovereignty and territorial integrity of Kuwait, and constitutes a serious breach of Security Council resolutions, in particular resolutions 687 (1991), 689 (1991) and 773 (1992). The Security Council has insisted in its letter to the Secretary-General dated 8 January 1993 on their speedy removal, by 15 January 1993 at the latest. Today, 15 January, there is no indication that Iraq has removed these police posts. Kuwait strongly protests and condemns such continued presence.

Kuwait attaches great importance to action by the Security Council to bring about the removal of these posts. A decision by the Council on this issue should be effective in deterring Iraq from using any pretext to further violate the sovereignty and territorial integrity of Kuwait.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Nabeela A. AL-MULLA
Chargé d'affaires a.i.
of the Permanent Mission of
Kuwait to the United Nations

DOCUMENT S/25116

Letter dated 15 January 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*18 January 1993*]

I have the honour to transmit, enclosed herewith, the conclusions of the forty-ninth session of the Government of the Federal Republic of Yugoslavia, held on 30 December 1992.

I should be grateful if you would have the present letter and the annex hereto circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

ANNEX

The Federal Government, at its forty-ninth session on 30 December 1992, proceeding from the lasting commitment of the Federal Republic of Yugoslavia to peace, security and cooperation, as well as from the necessity of an early normalization of its relations with the international community and subsequent consolidation of the status of the Federal Republic of Yugoslavia and the strengthening of its position, adopted the following conclusions:

1. As regards the situation in Bosnia and Herzegovina, it is above all necessary to exert maximum efforts in order to achieve an early cease-fire and restore lasting peace which all parties will observe.

2. It is necessary that from its part the Federal Republic of Yugoslavia renders maximum support to the immediate resumption of the tripartite negotiations of the warring parties in Bosnia and Herzegovina. In doing so, the Federal Republic of Yugoslavia should continually let it be known that it will strictly abide by any agreement reached by the three constituent nations in Bosnia and Herzegovina related to their mutual relations and the security of Bosnia and Herzegovina. In its declaration of 27 April 1992, the Federal Assembly made special emphasis that the Federal Republic of Yugoslavia had no territorial claims against Bosnia and Herzegovina. This position should continuously be stressed, as should our right to insist that Serbs living in Bosnia and Herzegovina should be allowed to have normal and free communication with their motherland and other Serbian regions concerning all issues and all fields of vital interest to them.

3. In the whole process of resolving the crisis in Bosnia and Herzegovina, appropriate and permanent contacts between the Federal Republic of Yugoslavia and the Serb leadership and people in Bosnia and Herzegovina are of great significance. Our involvement should centre on the establishment of peace in Bosnia and Herzegovina as soon as possible and on respect for all legitimate rights of all peoples in Bosnia and Herzegovina. Bearing in mind the attitude of the entire international community towards the Federal Republic of Yugoslavia and the principles of international law, it is necessary that the Serb side in Bosnia and Herzegovina, too, take account of the realities prevailing in this context.

4. Of particular importance is to ensure (not only militarily but politically as well) compliance with the Security Council resolution banning military flights in the airspace of Bosnia and Herzegovina. In this context, efforts should be made to apply the resolution strictly to all military flights, regardless of who might be operating the aircraft. Strict compliance with the resolution will most probably not require the adoption of a new Security Council resolution to enforce the previous one, which means that the use of force would be avoided.

5. The humanitarian aid arriving with great difficulty in Bosnia and Herzegovina (particularly in Sarajevo) is not sufficient, especially in winter conditions. It is necessary to invest maximum efforts to intensify its delivery through the existing corridors and, if possible, open new ones as well. The Federal Republic of Yugoslavia should actively cooperate and assist the actions that are being undertaken by organizations within the United Nations system, such as the United Nations Protection Force, the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the World Food Council, etc.,

6. In order to end the war in Bosnia and Herzegovina as early as possible, we must continue to press the United Nations, the Conference on Security and Cooperation in Europe and the European Community to reverse the hitherto, by and large, one-sided approach of blaming only Serbs in Bosnia and Herzegovina and the Federal Republic of Yugoslavia. In dealing with foreign factors, the Federal Republic of Yugoslavia must act along these lines.

7. It is also exceptionally important to normalize as soon as possible relations with the republics of the former Socialist Federal Republic of Yugoslavia, on the basis of equality and mutual recognition. With regard to Bosnia and Herzegovina it is necessary that an agreement be reached among the three peoples and with regard to Croatia that the Vance plan be applied consistently. In this process, in addition to normalizing relations, it is necessary to ensure extensive negotiations on the settlement of outstanding issues and define the optimal interests of the peoples living in the territory of the former Yugoslavia under newly created conditions.

DOCUMENT S/25117*

Letter dated 18 January 1993 from the representative of Yugoslavia to the Secretary-General

[*Original: English*]
[*18 January 1993*]

I have the honour to transmit herewith the text of a letter dated 17 January 1993 from Mr. Dobrica Cosic, President of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would circulate the text of the present letter and the attachment as a document of the General Assembly and of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

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*Circulated under the double symbol A/48/66-S/25117.

LETTER DATED 17 JANUARY 1993 FROM THE PRESIDENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA TO THE SECRETARY-GENERAL

At a time when progress has been made at the International Conference on the Former Yugoslavia at Geneva and when significant peacemaking decisions that would contribute to the termination of the tragedy in the former Yugoslav Republic of Bosnia and Herzegovina are pending, it is with extreme concern that I wish to inform you of the aggression of Muslim forces yesterday, on 16 January, against the territory of the Federal Republic of Yugoslavia.

As part of a general offensive in the area of the Serbian municipality of Bratunac, in the early morning hours of 16 January, Muslim forces surrounded a number of Serbian villages and massacred the civilian population and then opened artillery fire on the dam of the "Perucac" hydro-power station on the territory of the Federal Republic of Yugoslavia, intending to cause an ecological catastrophe. Owing to the gravity of the situation, members of the army of Yugoslavia, who are defending the dam, fired a few warning shots. However, the Muslim forces did not cease firing at the dam of the power station, but also opened strong concentric fire on the crew of the army of Yugoslavia at the "Perucac" watchtower and thereafter on the town of Bajina Basta, which is in the territory of the Federal Republic of Yugoslavia.

Besides direct aggression on facilities and troops on the territory of the Federal Republic of Yugoslavia, the Muslim army opened strong fire on the access routes to the bridge near the village of Skelani and the bridge itself, over which the civilian population was fleeing and over which the wounded and the dead were being evacuated. The Muslim infantry penetrated to the bridge itself and threatened to prevent the evacuation and massacre the refugees, and several members of the Muslim army crossed over to the territory of the Federal Republic of Yugoslavia.

Under such circumstances, the units of the army of Yugoslavia took the necessary countermeasures. Further action of the Muslim army was prevented by artillery fire, as was the continuation of the massacre of the civilian population and the wounded in the region of the bridge near the village of Skelani. This enabled the evacuation of the refugees, and of 150 wounded and 46 killed, to the territory of the Federal Republic of Yugoslavia. However, this tragic result is not final, since battles in the region of Bratunac and Skelani are still going on and Muslim forces again this morning, on 17 January, opened fire on the territory of the Federal Republic of Yugoslavia, which means that they are not desisting from their aggressive intentions and the "ethnic cleansing" of the Serbian population on the left bank of the Drina river.

I have described these events to enable you to get a true picture of the extent of the crimes committed against the civilian population and of the degree of the aggression against the territory of the Federal Republic of Yugoslavia. Such a situation calls for the taking of adequate measures in order to prevent the further escalation of the conflict, aimed at forcibly drawing Yugoslavia into the war in Bosnia and Herzegovina and provoking an international armed intervention. On this occasion also, I am faced with the tragic fact that there are many in the world who do not care about the truth on the civil war in Bosnia and Herzegovina. How else can one interpret the fact that many television stations refused the offer made by TV Serbia to broadcast, within programme exchanges, the authentic pictures of the consequences of the operations of the Muslim army and thus objectively inform the public in their countries. Need I emphasize that the majority of these countries are directly involved in resolving the crisis in the former Yugoslavia, where the Serbian people are first satanized, then placed in a ghetto of sorts, then given ultimatums and put on trial in advance.

The Federal Republic of Yugoslavia has on numerous occasions drawn attention to the Muslim war objectives and their unscrupulous political methods. Regrettably, international political forums have not taken our warnings into consideration so far. On the contrary, the biased and one-sided behaviour of certain international factors has encouraged and continues to encourage the Muslim side to aggressive and provocative conduct in the civil and religious conflict in Bosnian and Herzegovina. The constant application of double standards in relation to the crisis in the former Socialist Federal Republic of Yugoslavia, especially the crisis in Bosnia and Herzegovina, has resulted even in the disregard of the presence of regular troops of the army of the Republic of Croatia on the territory of the former Bosnia and Herzegovina and of the combat flights of its air force. Such behaviour directly prevents the reaching of a peaceful solution for Bosnia and Herzegovina. Simultaneously, the Serbian people as a whole are systematically demonized in the media of certain countries and in the statements of their most responsible officials, which practically amounts to racism and overt warmongering.

I wish to emphasize that, in spite of the constant efforts to jeopardize the peace process, the Federal Republic of Yugoslavia not only will not give up, but will intensify its efforts for putting an end to the suffering of the peoples of Bosnia and Herzegovina and arriving at a just political solution and ensuring lasting peace.

I am convinced that we will continue enjoying your support and assistance in the struggle for peace and the truth, and that you will bring your influence and authority to bear in order to remove the danger threatening to interrupt the initiated peace process and invalidate the efforts and results accomplished so far.

I should kindly like to ask you to circulate this letter as a document of the Security Council.

DOCUMENT S/25120*

Letter dated 18 January 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*18 January 1993*]

I have the honour to transmit to you herewith a copy of my letter, dated 24 November 1992, to the President of the Security Council.

The letter was sent via fax to member States of the Security Council, however, it was not distributed as requested, for technical reasons.

May I ask for your kind assistance in circulating the text of the present letter and the attached letter of 24 November as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

LETTER DATED 24 NOVEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Mr. Jose Maria Mendiluce of the Office of the United Nations High Commissioner for Refugees (UNHCR) advised yesterday that Serbian and Montenegrin military forces have denied access for food deliveries to Gorazde and Srebrenica in Bosnia and Herzegovina, two towns that are in desperate need. Mr. Mendiluce noted that Serbian and Montenegrin forces chronically interfere with United Nations convoys.

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* Circulated under the double symbol A/47/871-S/25120.

Such interference with the delivery of humanitarian assistance imminently threatens the lives of hundreds of thousands of people. It cruelly increases their suffering and quite directly furthers the scheme of "ethnic cleansing".

Exposure, disease and hunger are now the aggressor's principal tools of "ethnic cleansing", as effective or perhaps more effective than even bombs or bullets. With increasing numbers of people placed at risk, the situation more than ever calls for forceful action by the Security Council.

Security Council resolution 770 (1992) of 13 August 1992 called upon States:

> "to take nationally or through regional agencies or arrangements *all measures necessary* to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina". [*emphasis added*]

The resolution also requested "all States to provide appropriate support for the actions undertaken in pursuance of this resolution".

Clearly "all measures necessary" have not been taken, and States have not provided appropriate support. With so many human lives at risk, Mr. Mendiluce is still forced to "play poker", as he says, with the Serbian and Montenegrin military.

It is extraordinary that United Nations forces still do not have the will or the weapons to break through roadblocks where necessary to save lives, even when Security Council resolution 770 (1992) gives them this authority.

It is therefore with great urgency that I request that you take action pursuant to Security Council resolution 770 (1992). In particular, I request that you issue a statement requesting:

(*a*) That Security Council resolution 770 (1992) be invoked fully in the delivery of humanitarian assistance;

(*b*) That Member States that have offered to provide troops do so immediately as they are critical to the delivery of humanitarian assistance;

(*c*) Other Member States to provide new troops for humanitarian purposes;

(*d*) That air drops of food commence immediately as a temporary measure until all necessary troops are stationed.

The foregoing steps are essential if we are to stop Serbian and Montenegrin extremists from "playing poker" with UNHCR, and from playing with the lives of thousands of innocent civilians. Exposing or admonishing those responsible for interference with humanitarian assistance will not be enough.

May I ask for your kind assistance in circulating the present letter as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina to
the United Nations

DOCUMENTS S/25123 AND ADD.1

Further special report of the Secretary-General on the United Nations Iraq-Kuwait Observation Mission

DOCUMENT S/25123

[*Original: English*]
[*18 January 1993*]

1. In his statement of 11 January 1993 [*S/25091*] the President of the Security Council on behalf of the Council invited me, as a first step, to explore on an urgent basis the possibilities for restoring the United Nations Iraq-Kuwait Observation Mission (UNIKOM) to its full strength and to consider in an emergency such as the present one the need for rapid reinforcement as set out in paragraph 18 of the then Secretary-General's report of 12 June 1991 [*S/22692*], as well as any other suggestions I might have to enhance the effectiveness of UNIKOM, and to report back to the Council.

2. The emergency referred to above arose following a series of incidents involving Iraq, which are mentioned in the statement of the President of the Council. It is accordingly assumed that the Council's objective in enhancing UNIKOM's effectiveness is to prevent a recurrence of such incidents and, should they recur, enable UNIKOM to deal with them effectively.

3. The Security Council in resolution 687 (1991) established UNIKOM as an observation mission with the tasks of monitoring the demilitarized zone (DMZ) along the boundary between Iraq and Kuwait; deterring violations of the boundary through its presence in and surveillance of the DMZ; and observing any hostile or potentially hostile action mounted from the territory of one State against the other. UNIKOM's observers are unarmed. In case of a violation, the observers report and make representations, or representations are made at a higher level either in the field or at United Nations Headquarters. The operation is based on the premise that the Governments of Iraq and Kuwait will take the necessary steps to comply with the decisions of the Security Council and will cooperate with UNIKOM in good faith. UNIKOM has neither the authority nor the means to enforce the Council's decisions.

4. The incidents which have taken place in the area of operation since the beginning of the month were closely monitored by UNIKOM and reported to United Nations Headquarters. In addition, UNIKOM made immediate representations to Iraqi personnel on the spot as well as to the Iraqi military authorities through the established liaison channel. On this occasion, protests and representations were for the most part ineffective because UNIKOM's interlocutors stated that they were powerless to influence a course of events which had been set in motion at the highest levels of the Iraqi Government. Similarly, representations made at United Nations Headquarters remained without a positive response until the Security Council itself intervened and, in addition, other measures were threatened by Member States, at which point the President of the Security Council was informed, *inter alia*, that Iraq would suspend its unauthorized retrieval of property from Kuwaiti territory.

5. UNIKOM thus performed the function for which it was designed and for which its strength is sufficient. If, however, the Security Council should decide that UNIKOM's present mandate does not permit an adequate response to such violations as have occurred and that UNIKOM should be able to prevent and redress them, then UNIKOM would require a capacity to take physical action. Such action could be taken to prevent or, if that fails, redress:

(*a*) Small-scale violations of the DMZ;

(*b*) Violations of the boundary between Iraq and Kuwait, for example by civilians or police;

(*c*) Problems that might arise from the presence of Iraqi installations and Iraqi citizens and their assets in the DMZ on the Kuwaiti side of the newly demarcated boundary.

The above tasks could not be performed by unarmed observers. In their place, UNIKOM would have to be provided with infantry in sufficient numbers. With regard to the third point, I should also recall my letter of 23 December 1992 [*S/25085, annex II*] in which I brought to the Security Council's attention some issues arising from the demarcation of the boundary. These concerned the Iraqi police posts on Kuwaiti territory, whose urgent withdrawal I have been seeking and for which the Council has set the deadline of 15 January 1993, and the Iraqi citizens and their assets which remain on Kuwaiti territory. In regard to the latter, I have already informed the Council that I am in touch with the Governments of Iraq and Kuwait, with a view to having this issue settled in a reasonable way. I have noted with appreciation the Council's concurrence with this approach. I shall be actively pursuing my contacts and I shall keep the Council informed of their outcome.

6. In his statement the President of the Security Council invited me to consider the need for rapid reinforcement of UNIKOM with infantry units. When this idea was introduced in June 1991, it was based on the assumption that other peace-keeping operations in the region, namely the United Nations Peace-keeping Force in Cyprus and the United Nations Interim Force in Lebanon, would retain the capacity to detach infantry to assist UNIKOM, as they had done when that Mission was set up. Following the reduction in the military strength of the two peace-keeping forces, this capacity no longer exists. Moreover, their detachments would take some time to reach UNIKOM and they would be available only for a few weeks, after which they would have to return to their parent missions. This would not meet the requirements set out above, which call for infantry to be present on the ground on a permanent basis.

7. It is estimated that three mechanized infantry battalions would be required to perform the functions outlined in paragraph 5 above. In addition, UNIKOM's airlift capability would need to be augmented so that it could lift one company in one wave for rapid reaction. Together with the necessary increase in headquarters and support elements, UNIKOM would then comprise the following military elements:

Headquarters and communications	225
Infantry battalions (3 x 750)	2 250
Logistic battalion	750
Engineers	200
Medical unit	100
Helicopters (e.g. 20 x Bell 212)	120
Total	3 645

The above assets are those that would be needed to enable UNIKOM to carry out its new mandate with regard to the land boundary. If the Security Council required the force also to prevent violations of the maritime boundary, when demarcated, UNIKOM would need naval assets, with the necessary docking facilities, to enable it to patrol the Khawr'Abd Allah and intercept any violating vessels.

8. Following the introduction of the infantry units, it would no longer be necessary or practical to retain the unarmed military observers in the Mission. All their present tasks would be assigned to the infantry, which would be deployed at the existing Patrol and Observation Bases and would patrol the DMZ. The units would need to include a sufficient number of officers to carry out liaison, investigations and other special tasks.

9. UNIKOM would not assume responsibilities falling within the competence of the host Governments, which would continue to carry out all aspects of civilian administration in their respective territory. As in the past, both Governments would be expected to consult with UNIKOM on the regulation of their activities within the DMZ. This would be of particular importance with regard to the maintenance of law and order, as UNIKOM would have become an armed force with a mandate which in some respects would overlap that of the local police.

10. UNIKOM would be provided with the weapons integral to its infantry battalions. It would not use its weapons except in self-defence, which would include resistance to attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council. UNIKOM would thus not be authorized to initiate enforcement action.

11. UNIKOM would need to retain the freedom of movement and the privileges and immunities it now has and the arrangements governing its presence in Iraq and Kuwait should continue to apply ***mutatis mutandis***.

12. It is to be emphasized that the above is based on the assumption that the Government of Iraq as well as the Government of Kuwait would undertake to cooperate with the restructured Mission. In the absence of such cooperation, it would become impossible for UNIKOM to carry out its functions, in which case the Security Council would need to consider alternative measures. It is also worth noting that a force on the scale suggested above would not have the capacity to prevent a significant military incursion. Should the Security Council consider that this risk exists, it would be necessary to make other arrangements for dealing with it, while at the same time ensuring the safety of UNIKOM.

DOCUMENT S/25123/ADD.1

[*Original: English*]
[*26 January 1993*]

1. In my report of 18 January 1993 [*S/25123*], I outlined in paragraph 5 a possible enlargement of UNIKOM's mandate, in case the Security Council should decide that UNIKOM's present mandate does not permit an adequate response to such violations as have occurred. In paragraphs 7 and 8 of the report, I described the means which UNIKOM would require to carry out this enlarged mandate.

2. It is estimated that the cost associated with the strengthening of the operation as described in my report would amount to some $112 million for an initial six-month period. It is further estimated that the additional monthly cost thereafter would be approximately $12 million. A breakdown of the estimated cost for the first six-month period by main categories of expenditure is provided for information purposes in the annex hereto.

3. Should the Security Council decide to enlarge the mandate and strength of UNIKOM, it would be my recommendation to the General Assembly that the associated additional cost should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States be credited to the UNIKOM special account.

ANNEX

Cost estimate for the enlargement of UNIKOM

(Thousands of United States dollars)

		Objects of expenditure	*Initial six months*
1		Military component	
	(*a*)	Contingent personnel	38 000
	(*b*)	Other costs pertaining to contingents	9 000
2		Civilian staff costs [a]	3 000
3		Premises	25 000
4		Air operations	14 000
5		Transport operations	5 000
6		Communications	2 000
7		Miscellaneous equipment	6 000
8		Miscellaneous supplies, services, freight and support costs	10 000
		Total	112 000

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[a] Provides for 31 additional international staff and 52 additional locally recruited staff.

DOCUMENT S/25124

Third progress report of the Secretary-General on the United Nations Transitional Authority in Cambodia

[*Original: English*]
[*25 January 1993*]

INTRODUCTION

1. By paragraph 10 of its resolution 745 (1992), the Security Council requested the Secretary-General to report to the Council at stated intervals on progress made in the implementation of the resolution and on tasks still to be performed in the operation, with particular regard to the most effective and efficient use of resources. In accordance with this provision and in response to subsequent resolutions and to developments in Cambodia, I have submitted reports on 1 May [*S/23870*], 12 June [*S/24090*], 14 July [*S/24286*], 21 September [*S/24578*] and 15 November 1992 [*S/24800*].

2. Resolution 745 (1992) calls for a further progress report in January 1993. This third progress report is submitted to the Security Council in pursuance of that request. It describes the activities of the United Nations Transitional Authority in Cambodia (UNTAC) up to 10 January 1993.

3. By paragraph 21 of resolution 792 (1992) adopted on 30 November 1992, the Council requested the Secretary-General to report not later than 15 February 1993 on the implementation of that resolution and on any further measures that might be necessary and appropriate to ensure the realization of the fundamental objectives of the Paris agreements [*see S/23177*]. A report in pursuance of that resolution will be submitted at that time.

I. IMPLEMENTATION OF RESOLUTION 745 (1992)

A. *General*

4. UNTAC has pursued its implementation of the peace process despite the setbacks described in my earlier reports. The refusal of the Party of Democratic Kampuchea (PDK) to fulfil its obligations under the Paris agreements by participating fully in the peace process made it impossible to implement phase II of the cease-fire. This has meant the effective suspension of the cantonment, disarming and demobilization of the armed forces of the four factions, with the result that those forces remain under arms in the field. Since the beginning of the dry season in November 1992, cease-fire violations - including the movement of troops for strategic advantage and armed clashes between the forces of the two largest factions, the National Army of Democratic Kampuchea (NADK) and the Cambodian People's Armed Forces (CPAF) - have increased and tension has risen in some parts of the country.

5. On the other hand, the success of voter registration has clearly demonstrated that the peace process has the support of the overwhelming majority of the Cambodian people. By the end of December 1992, nearly 4.4 million Cambodians had been registered, representing about 96 per cent of the estimated total number of those qualified to vote in the zones to which UNTAC has access. Registration is effectively complete in most provinces of Cambodia, although it is still continuing in the northern provinces where it began only in November.

6. By the end of December 1992, close to 240,000 refugees and displaced persons - about two thirds of the total - had been safely repatriated to Cambodia. From 30 November to 2 December, UNTAC hosted the first ever international human rights symposium in Phnom Penh. The Supreme National Council has, since my last progress report, approved a dozen rehabilitation projects worth more than $110 million. Progress made and tasks still to be performed by each of the components and divisions of UNTAC are described in detail below.

B. *Relations with the Supreme National Council*

7. Since my last progress report, issued on 21 September 1992 [*S/24578*], the Supreme National Council has held a total of five meetings or working sessions (22 September, 20 October, 8 November (at Beijing) and 8 and 10 December (at UNTAC headquarters)). "Working sessions" are meetings which, because of the absence from Phnom Penh of the President of the Supreme National Council, His Royal Highness Prince Norodom Sihanouk, are held informally under the chairmanship of my Special Representative, Mr. Yasushi Akashi.

8. The agenda at those meetings included such matters as principles to be incorporated into the post-election Constitution, the territorial integrity of Cambodia, relations between the Supreme National Council and multilateral financial institutions, direct control by UNTAC in the field of finance, the exploitation of Cambodia's natural resources, the establishment of the Cambodian National Heritage Protection Authority, the questions of foreign forces and foreign residents and immigrants and the approval of rehabilitation projects.

9. The results of the special Supreme National Council meeting held at Beijing on 8 November 1992 were described in my report on the implementation of resolution 783 (1992) [*S/24800*] and, in particular, in annexes II and III thereto. Since then, Prince Sihanouk has stayed in Beijing, where he is receiving medical treatment. The two working sessions which, in his absence, my Special Representative chaired on 8 and 10 December, were not attended by some members. The recommendations agreed by those present at the meetings were conveyed to Prince Sihanouk, who approved them.

10. The 10 December meeting was devoted mainly to the question of the verification of the withdrawal and non-return of foreign forces, a matter in which UNTAC was entrusted with specific responsibilities under article VI of annex 2 to the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991 [*see S/23177*]. As reported in paragraph 18 of document S/24800, UNTAC has not so far found evidence of any formed units of foreign forces in areas of Cambodia to which it has access. The strategic

investigation teams established by UNTAC to investigate the foreign forces question submitted an interim report on their activities to the working session of the Supreme National Council held on 10 December. The report described investigations into allegations or suspicions of the presence of foreign forces, all of which had proved inconclusive. Members of the Supreme National Council were invited to provide additional information to support claims that such forces did exist in Cambodia. No additional information has yet been provided.

11. The influence exerted in Cambodia by its two larger neighbours has traditionally been a matter of deep concern to Cambodians. While the Agreement refers only to "foreign forces, advisers and military personnel", there has been a tendency to interpret this provision in much wider terms than a purely military presence and to try to involve UNTAC in matters that fall outside its mandate. In a statement on 14 December 1992, Prince Sihanouk stated that "certain neighbouring countries" had advanced their borders with Cambodia to the detriment of Cambodia's territorial integrity, and spoke of the "occupation" and "exploitation" of Cambodian districts or villages by nationals of those countries. That exploitation, he said, had led to "the irreversible annihilation of the natural resources of Cambodia, particularly the woods, the precious stones and fish and crustaceans".

12. UNTAC's efforts to address these problems have included the establishment of a technical advisory committee to the Supreme National Council on territorial integrity and a proposal to set up another on foreign residents and immigrants in order to establish the facts of a situation which the new Government formed after the elections may decide to address. In accordance with resolution 792 (1992), UNTAC is also taking appropriate measures to secure implementation of the moratorium on the export of logs set by the Supreme National Council by a decision of 22 September 1992.

13. On 20 December 1992, Prince Sihanouk announced that, following consultations with the parties concerned, a second representative of the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC) would become a member of the Supreme National Council, thus increasing the total number of members to 13. The new member was later named as Mr. Sam Rainsy. Prince Sihanouk has indicated that this step was taken in order to allow FUNCINPEC to be represented, like the Khmer People's National Liberation Front (KPNLF) and PDK, by two members.

14. On 4 January 1993, Prince Sihanouk informed Mr. Akashi that he was obliged to cease cooperation with UNTAC and with the Party of the State of Cambodia (SOC) because of the persistent violent attacks on FUNCINPEC offices and staff. Mr. Akashi visited the Prince at Beijing on 8 January 1993 and reported to him regarding recent developments in Cambodia, including the measures taken by UNTAC to promote a neutral political environment. At that meeting, Prince Sihanouk expressed his readiness to hold a meeting of the Supreme National Council at Beijing on 28 January 1993. The Prince also confirmed that he would be a candidate in the presidential elections referred to in paragraph 3 of resolution 792 (1992).

15. On 5 January 1993, Prince Norodom Ranariddh, leader of FUNCINPEC, informed my Special Representative that, in view of the deterioration of the political situation, he would suspend working relations with UNTAC until effective measures were taken to put an end to the current climate of violence (see also sect. I.K below). However, at a subsequent meeting with my Special Representative, Prince Ranariddh expressed gratitude for UNTAC's efforts to address this problem and stressed that FUNCINPEC had always cooperated with UNTAC and would continue to do so.

C. *Human rights component*

16. In pursuance of its basic mandate, UNTAC has continued to expand its human rights education and training programmes, both in Phnom Penh and in the provinces. As part of its efforts to promote the development of an independent judiciary, a major programme of training for judges and defence lawyers/public defenders has been initiated. The first course for 60 defenders was completed in November 1992.

17. Formal human rights training has now been introduced into the Cambodian education system. UNTAC has distributed a set of curricular materials throughout the country, and primary and secondary school teachers in the Phnom Penh administration are being trained in their use. Human rights officers are using the materials for training in FUNCINPEC and KPNLF zones. The curriculum of Phnom Penh University also now includes human rights studies, and a course began on 27 October 1992 for 210 law students. Denial of access has made it impossible to extend this programme to the zones controlled by PDK.

18. UNTAC is also stepping up human rights training outside the school system. Training sessions for officials of the existing administrative structures and professional or activist groups have been undertaken in almost every province. More than 4,000 people have attended training sessions in Phnom Penh alone, and an average of 100 people in each of the provinces. The component has also provided human rights training to members of various UNTAC components.

19. UNTAC's human rights information campaign has set up mobile video units in each province to show videos on basic human rights concepts. Additional radio programmes are also being produced. Together with the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNTAC has organized a team of traditional singers who tour the provinces with a performance featuring human rights messages.

20. Collaboration with indigenous human rights organizations is an important aspect of UNTAC's work. There are now five such organizations with offices in nearly all provinces and with a combined membership reportedly approaching 50,000. UNTAC has provided them with materials, training and expertise as well as small grants for basic office expenses. UNTAC is also setting up a resource centre and library for all the organizations to use collectively. There is also close cooperation with international non-governmental human rights organizations represented in Cambodia.

21. A large majority of persons currently detained in civilian prisons administered by the Phnom Penh authorities have not been accorded due process in the determination of the charges against them. Some prisoners have been detained for up to 10 years without trial, and others claim that their detention is due to their political allegiance rather than to any criminal action on their part. UNTAC is actively investigating all cases of prisoners who are members of other parties in order to determine whether or not their detention is politically motivated.

22. Conditions of detention in civil prisons throughout Cambodia continue to be closely monitored. Health conditions in some prisons remain poor, partly because of inadequate rations. The use of cells lacking light and ventilation persists at several prisons. UNTAC has pressed the local authorities to improve the situation to the extent possible within the means available to the prison administration.

23. An international symposium on human rights in Cambodia was held in Phnom Penh from 30 November to 2 December 1992, with the participation of representatives of each of the Cambodian human rights organizations. Also participating were some 25 representatives from human rights organizations in Europe, North America and the Asia/Pacific region and of the Centre for Human Rights of the Secretariat and other organizations of the United Nations system. The opening session included presentations on the future of human rights in Cambodia by three of the four Cambodian parties who are signatories to the Paris agreements.

24. The primary purpose of the symposium was to examine ways in which the international community might best assist indigenous human rights organizations and structures in the coming years. At the symposium, concern was expressed concern at the recent increase in political violence, as described in section I.K below. International and regional human rights organizations agreed to provide resources and expertise, both during the transitional period and afterwards, to assist Cambodian human rights organizations and to complement and continue UNTAC's efforts in this field. The symposium also called for a continued United Nations presence in Cambodia following the withdrawal of UNTAC, including possibly an operational presence by the Centre for Human Rights.

25. For Human Rights Day, 10 December, UNTAC organized various events in Phnom Penh and the provinces, including a nationwide drawing contest for children.

D. *Electoral component*

26. In paragraph 51 of the implementation plan [*see S/23613*), it was proposed that the registration of voters should begin in October 1992 and last for three months, with a provision for extension if the need arose to ensure the registration of the maximum number of voters. On 21 December, my Special Representative announced the extension of the registration period until 31 January 1993. Given the success of voter registration so far, as well as the current rate of registration in every province in Cambodia, UNTAC is confident of being able to register at least 97 per cent of the estimated eligible population throughout the country by the end of January 1993.

27. As reported below, it is anticipated that the repatriation of refugees and displaced persons will not be completed until about March 1993. Special arrangements are therefore being made for the registration of those who could not be registered in Cambodia by the end of the original period of registration. This will be done, in addition to extending the period for registration within Cambodia as referred to above, by providing a special facility for refugees only. On the basis of the data currently available, the number of refugees to be accommodated in this way would be between 40,000 and 60,000.

28. In view of the unwillingness of PDK to guarantee access to zones under its control, UNTAC has adopted the practice of registering all applicants in non-PDK areas before moving gradually into districts in which NADK is known to operate. Electoral teams in these districts carry out their tasks in close cooperation with the civilian police and military components, whose functions, as described below, have been modified to enable them to protect electoral staff if the need arises.

29. So far, many electoral teams operating in or around zones where NADK is present have been permitted to register applicants and have reported high levels of interest in and commitment to the electoral process among the population of those zones. In some cases, residents have been permitted to leave the zones to register at registration points located outside them. In other cases, however, NADK units have refused to allow teams to carry out registration and have requested them to leave. The teams complied, but they will keep trying wherever possible until the completion of the registration process at the end of January. Since UNTAC has not been allowed access to all the PDK-controlled areas, it is unable to estimate the size of the population of those areas or the number of potential voters living there who have not been registered. However, the PDK-controlled areas are generally considered to be sparsely populated, comprising only about 5 per cent of the total population.

30. Since the promulgation of the electoral law in August 1992, 20 political parties have provisionally registered and acquired the right to place their agents in the registration points. This right applies to all of the 834 points and in some cases up to 4 or 5 parties are represented. One of the rights of the party agents is to object to applicants they consider to be unqualified to register. This is a particularly sensitive issue in view of the claim repeatedly made by some Cambodian parties that "Vietnamese" would try to register and vote. To date, however, only about 0.3 per cent of all applicants have been the subject of challenges by party agents. Where parties have pursued these objections, they have in general failed to file effective grounds for rejecting those registered or evidence to support their disqualification. It can be concluded that the system has been effective in deterring unqualified applicants. In accordance with the electoral law, applicants who are refused registration may appeal to the UNTAC District Electoral Supervisor. The number of such appeals has also been minimal.

31. The computer system for controlling voter registration, described in paragraph 45 of the implementation plan [*see S/23613*], is working well. About 280 Cambodian data-entry clerks, working in three 8-hour shifts per day to ensure a round-the-clock service, use 110 Khmer-language keyboards to enter into the central computer information on cards received from the registration points. The system is designed to support the entering and tracking of up to 5.2 million voter registration records and to produce the lists of registered voters that will be issued to political parties. All the data-entry clerks were trained by four Cambodian trainers, who themselves received instruction at United Nations Headquarters in New York. Owing to communications difficulties and rough terrain, there is a time-lag in the recovery of registration information by the computer centre. While the total number of registration cards issued has now exceeded 4 million, the number of cards so far logged in stands at about 2.6 million.

32. At a date to be determined in accordance with the electoral law, my Special Representative will invite political parties already provisionally registered to apply for official registration. This will require those parties to submit a list containing the names, signatures, voter registration numbers and addresses of at least 5,000 registered voters who are members of the party. On 30 November 1992, Mr. Khieu Samphan, Mr. Son Sen and other members of PDK announced that they had established the founding committee of a new party, the National Unity of Cambodia Party. In a statement issued the same day, my Special Representative indicated that such a party should register under the electoral law and participate fully in the electoral process by, *inter alia*, granting access to other parties and to UNTAC, so that it can discharge its functions in accordance with the Paris agreements. However, UNTAC has not so far been advised of the creation of this new party.

33. At the Supreme National Council working session of 10 December 1992, representatives of FUNCINPEC and KPNLF pressed strongly for two revisions of the electoral law approved by the Supreme National Council and promulgated by UNTAC in August 1992. One would extend the franchise to the so-called Khmer Krom residents in Cambodia, that is, ethnic Cambodians born, or with a parent born, in southern Viet Nam. The second would allow Cambodians living overseas to register outside Cambodia (at present the law allows such Cambodians to vote overseas but they must register as voters in Cambodia).

34. My Special Representative has had extensive discussions on these two proposed revisions of the electoral law with the parties concerned. On the basis of his reports, I have given careful consideration to these two issues, especially in view of the support expressed for them by Prince Sihanouk. However, I have regretfully come to the conclusion that the extension of the franchise on purely ethnic grounds to persons who were not born in Cambodia would not be consistent with the letter or the spirit of the Paris agreements. Furthermore, at a time when the registration process is nearing completion, the printing of additional registration cards and other necessary documentation would create such delays that it would make it practically impossible to hold the elections in May 1993, in accordance with the time-table set by the Security

Council. The same can be said of the complex problems arising from any attempt to allow Cambodians to register overseas. I have therefore told my Special Representative that, unless the Security Council decides otherwise, he should not approve these two proposed revisions of the electoral law.

E. *Military component*

1. *Cease-fire violations*

35. In my report of 15 November 1992 [*S/24800, paras. 14-18*], I expressed concern over the military situation in Cambodia. There has recently been an increase in the daily count of cease-fire violations but with no clear gain to either of the forces of the two largest factions, NADK and CPAF. Most cease-fire violations take place in Kompong Thom, Siem Reap and Battambang provinces in central and north-west Cambodia. They typically take the form of artillery duels, which drive villagers from their homes without causing extensive casualties on either side. In other cease-fire violations, six bridges in central and northern Cambodia have been blown up since mid-October 1992.

36. SOC, claiming that NADK has made territorial gains, has called on my Special Representative to restore the military balance. Reports from United Nations military and naval observers in the countryside do not conclusively confirm this claim, but rather indicate that the armed forces of SOC (CPAF) are attempting to recover territory over which NADK extended its influence during the recent rains, while NADK is attempting to consolidate its gains and interrupt CPAF's communications. This pattern is illustrated by the increased state of readiness of NADK forces in Kompong Thom, where United Nations observers report that NADK lines of communication and supply have been shortened and combat training intensified.

37. On 4 November 1992, my Special Representative issued a call for military restraint, urging all parties to respect the peace process and to refrain from building up their forces, making aggressive military moves or attacking one another. He stressed that no Cambodian party had the right to deny the Cambodian people the right to take control over their country and their destiny through free and fair elections. In my report of 15 November 1992 [*S/24800*], I also appealed to all parties to respect the cease-fire scrupulously and to refrain, in accordance with article 9 of the Agreement, from any activity which is aimed at enlarging the territory they control or which might lead to renewed fighting.

38. However, in December there occurred two very serious cease-fire violations. Frequent exchanges of shelling took place between NADK and CPAF throughout the month in the Bavel area of Battambang Province, causing about 15,000 local residents to flee their homes. Many of these were assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR) with the help of the World Food Programme, the United Nations Children's Fund (UNICEF) and the International Committee of the Red Cross (ICRC). On 24 and 25 December NADK artillery shells landed near a location occupied by UNTAC troops from the Bangladesh battalion in Svay Leu district 50 kilometres north-east of Siem Reap. An UNTAC electoral registration team supported by UNTAC military and civilian police personnel had been deployed there a few days earlier. The area came under shelling again on 31 December. In total, about 20 rounds fell near the UNTAC camp. The UNTAC personnel were evacuated, but have since returned. Bavel is still being subjected to sporadic shelling, but Svay Leu appears to be currently calm.

2. *Redeployment of the Military component*

39. As stated in article 11 of the Agreement, the objectives of the military component are to "stabilize the security situation and build confidence among the parties to the conflict, so as to reinforce the purpose of this Agreement and to prevent the risks of a return to warfare". This was to have been done through the cantonment and demobilization of the forces of all four factions. However, the refusal of the PDK to participate in that process has made it necessary to redeploy the military component in order to fulfil the requirements of Security Council resolution 792 (1992).

40. The military component will continue to perform many of the tasks entrusted to it since the beginning of the mission, including weapons control and assistance to the repatriation component, as well as its essential engineering, demining, logistics, communications and other functions. The component will continue its patrolling, observation and monitoring duties by land and water and its civic action programmes to build confidence in the countryside.

41. However, the priority task of the component in the coming months, as described in paragraph 31 of my report of 15 November 1992 [*S/24800*], is to enhance UNTAC's ability to protect voter registration and, subsequently, the electoral and polling processes, particularly in remote or insecure areas.

42. In order to accomplish this, the original deployment pattern of the military component, which was based on the requirements of regroupment and cantonment, has been realigned to correspond with the borders of the Cambodian provinces. This will conform with the deployment of electoral teams and shorten the time taken to respond to potential threats to them. The new deployment, which was completed on 31 December 1992, is also designed to foster a sense of security among Cambodians in those areas with a higher potential for conflict. Similarly, military observers now accompany electoral teams in order to negotiate, where necessary, with local authorities or forces that try to hinder registration. While some incidents have occurred, as described below, the military observers have often succeeded in such negotiations. In addition, with the winding down of the voter registration exercise, the military component will be asked to assist in UNTAC's efforts to promote a neutral political environment, as described in section I.K below.

43. The military component's mine-clearance programme will also continue to receive high priority. The number of trained mine-clearance personnel has now reached 1,323, with a further 160 under training. Since there is a shortage of supervisors, only 542 of these are employed, 352 directly by UNTAC and 190 by other agencies. In order to resolve this problem, some UNTAC trainers have been requested to act as supervisors while some of the trained mine clearers are receiving additional training as supervisors.

3. *Attacks on UNTAC personnel and aircraft*

44. Since my second progress report of 21 September 1992, 14 UNTAC personnel have been injured as a result of military activity by one or other faction. These include nine military, police and civilian personnel injured in land-mine explosions in Banteay Meanchey, Kratie and Siem Reap provinces. In addition, one soldier and three civilian electoral staff were injured by gunfire in two separate incidents, and an officer was injured when his helicopter was fired upon.

45. The latter incident was 1 of 11 involving attacks on helicopters, mostly over Siem Reap, Kompong Thom and Preah Vihear provinces, with 1 incident taking place over Kompong Speu Province. Most of these did not result in injury, although in one case a helicopter was forced to land because of damage caused by small-arms fire, as described in paragraph 15 of my report of 15 November 1992 [*S/24800*].

46. A total of 21 UNTAC personnel have died by accident or from natural causes since the beginning of the mission, including 10 since my report of 21 September 1992.

47. During December, a number of incidents occurred in which UNTAC military and other personnel were detained in the countryside by units of NADK, each apparently acting in isolation. The incidents took place while UNTAC military and naval observers and other military personnel were exercising their right to move freely throughout the territory of Cambodia in order to carry out their duties, including election-related duties. In all cases UNTAC personnel were released unconditionally and unharmed.

48. On 2 December, six United Nations military observers were detained by a unit of NADK and held for two days before being released unharmed. My Special Representative subsequently issued a statement in which he noted that the PDK leadership had been cooperative in securing the observers' release, but that their troops had acted quite wrongly in detaining them in the first place. The statement also referred to the statement of the President of the Security Council of 2 December 1992 [*S/24884*] expressing the members' deep concern and outrage at this and other serious incidents involving United Nations peace-keeping personnel. The latter statement demanded that the parties concerned take all necessary measures to prevent the recurrence of such incidents. It also stressed that the abduction and detention of United Nations peace-keeping personnel was totally unacceptable.

49. On 15 December 1992, two military observers accompanying an electoral team near the village of O Sala in Kompong Thom Province entered into negotiations with a local NADK commander to ensure the safety of the team. They were obliged to stay overnight with the NADK unit and were joined the next day by two more military observers and a company of one of UNTAC's two Indonesian battalions. After further discussions, and a further night at the scene, the 4 observers and several members of the Indonesian battalion were allowed to leave for Kompong Thom City, while 8 Indonesian soldiers remained at O Sala, with a further 40 or so stationed about 400 metres away. On 18 December, all of them were allowed to leave O Sala unconditionally.

50. Another incident occurred in Kratie Province on 18 and 19 December 1992 involving the overnight detention of 10 members of UNTAC's Uruguayan battalion, 3 Russian helicopter crew members and a Russian military observer. NADK representatives did not appear for a previously arranged rendezvous with a unit of NADK and, in ensuing attempts to make contact with them, the UNTAC group inadvertently landed in a NADK defensive position. Negotiations through established mechanisms led to peaceful resolution of the incident but confirmed the need to formalize liaison between NADK field commanders and UNTAC, through the deployment of NADK liaison officers in the provincial capitals. Discussions with all factions continue with a view to gaining agreement to procedures that will allow this deployment to occur.

51. On 20 December 1992, Mr. Khieu Samphan addressed a letter to my Special Representative, enclosing a declaration of PDK and NADK jointly signed by himself and Mr. Son Sen, which asserted, *inter alia*, that UNTAC should not enter PDK-controlled zones without prior authorization and that UNTAC must assume full responsibility for incidents that occurred as a result of its failure to obtain such authorization. On 22 December 1992, my Special Representative and the Force Commander replied, pointing out the distortions contained in the declaration. On the same day, the President of the Security Council issued a statement [*S/25003*] in which the Council strongly condemned the illegal detention of UNTAC personnel by elements of PDK.

4. *Other developments*

52. In its resolution 792 (1992), the Security Council adopted a number of measures relating to the full implementation of the Paris agreements and of decisions taken or to be taken by the Supreme National Council. In particular, the Council invited UNTAC to establish all necessary border checkpoints, requested neighbouring States to cooperate fully in the establishment and maintenance of those checkpoints and requested the Secretary-General to undertake immediate consultations with States concerned regarding their establishment and operation.

53. As reported in paragraph 20 of my second progress report [*S/24578*], UNTAC has established nine checkpoints on Cambodia's border with Viet Nam, two on the border with the Lao People's Democratic Republic and seven on that with Thailand. In accordance with my original implementation plan [*see S/23613*], additional checkpoints have been established at ports, airports and major routes inside Cambodia.

54. The border checkpoints already in place give UNTAC the capacity to observe activities in zones controlled by FUNCINPEC, KPNLF and SOC. To supplement them, a further eight checkpoints are to be established along the Thai border in the zone controlled by PDK. Consultations are currently taking place between UNTAC representatives and the Royal Thai Government with a view to agreeing on modalities for the cooperation called for in paragraph 12 of resolution 792 (1992) regarding the establishment and operation of those checkpoints.

55. Originally, the border checkpoints were put in place pursuant to articles VI and VII of annex 2 to the Agreement governing the verification of the withdrawal from Cambodia and the non-return of all categories of foreign forces and the cessation of outside military assistance to all Cambodian parties. In addition to these duties, checkpoint personnel are also now required to assist in the implementation of paragraphs 10 and 13 of resolution 792 (1992) and ultimately in the implementation of paragraph 14. In accordance with paragraph 21 of that resolution, more detailed information on its implementation will be contained in the report to be submitted to the Security Council by 15 February 1993.

F. *Civil administration component*

1. *General*

56. The extension of UNTAC supervision and control over the existing administrative structures of the three parties in compliance with the peace plan has continued despite the deteriorating security situation, which complicates UNTAC's task. In particular, progress has been achieved in the further development of the expenditure control procedure, the establishment of a border control mechanism, the planning of specialized control operations in telecommunications and civil aviation and the measures taken to promote a neutral political environment (see sect. I.K below). In addition, UNTAC has decided to extend its control to the "council of ministers" of the Phnom Penh administration, since a number of decisions affecting the activities of other "ministries" are taken at that level. On the other hand, UNTAC has been unable to gain access to the administrative structure of PDK, and this inability has given rise to a hardening of the position of the Phnom Penh authorities *vis-à-vis* the supervision and control exercised by UNTAC over them in nearly all fields. This has been particularly evident since the beginning of October 1992.

2. *Foreign affairs*

57. During September, following the submission of the second progress report, UNTAC supervised the abolition of entry and exit visas for the holders of passports issued by the Phnom Penh authorities, the abolition of the policy of retaining those passports after their holders had returned to Cambodia, the streamlining of immigration procedures at Phnom Penh Airport, and the simplification and expediting of

procedures for obtaining passports from the Phnom Penh authorities. On 22 September, the Supreme National Council declared that all Cambodian passports shared the same status as the newly issued Supreme National Council passports when endorsed by the Supreme National Council seal. An increase of corruption in the issuance of passports, however, has recently been detected. Efforts to secure the cooperation of the "ministry of foreign affairs" of SOC have not so far been successful and, if this persists, UNTAC may soon have to take firmer action to remedy the situation.

58. UNTAC has focused its attention on the distribution of food aid in order to prevent its use in influencing voters and has dealt with a number of cases of embezzlement.

59. A border-control mechanism has been developed by the civil administration, civilian police and military components. This is of particular significance in view of the concerns many Cambodians express about the influx of Vietnamese into Cambodia and the adoption by the Supreme National Council on 22 September 1992 of a moratorium on the export of round logs from the country. The operation of the mechanism will rely on the UNTAC border checkpoints already established and those to be established in accordance with the Paris agreements and with resolution 792 (1992).

3. *National defence*

60. On 14 October, the "minister of defence" of SOC signed a declaration outlining the principal modalities of UNTAC's direct control in the field of defence. One of these is a priori control, which allows UNTAC to examine decisions by the "ministry" before they are finalized. On 21 October, the "minister of defence" approved an information circular proposed by UNTAC concerning measures to be taken with regard to immovable property assets and underlining the distinction between private and public assets. This is a significant issue in that land and property disputes in general, and disputes over land and property owned by the administrations in particular, are extremely widespread and complex in Cambodia.

61. All incoming and outgoing correspondence of the SOC "ministry of defence" is monitored by UNTAC in order to control any actions that might impair the neutrality of the political environment. Similar correspondence of the FUNCINPEC and KPNLF administrations is also monitored. The removal from populated areas of munitions dumps thought to be in a dangerous condition has been secured and the sale for scrap of unserviceable weapons after their destruction by the military component has been approved. The use of funds from such sales is monitored.

62. A draft directive is now in preparation to be signed by the leaders of CPAF, National Army of Independent Kampuchea and the Khmer People's National Liberation Armed Forces (KPNLAF) governing political activity by military personnel. Consideration is being given to drawing up a similar code of conduct for other categories of officials, including civil servants and police officers.

4. *Public security*

63. Following the adoption by the Supreme National Council on 10 September 1992 of transitional provisions relating to the judiciary and criminal law and procedures, known as the "interim penal provisions", a training programme was launched on 2 November for about 200 local magistrates, police officers, prosecutors and public defenders from three of the four Cambodian parties. This was done in collaboration with the human rights and civilian police components. The latter also worked with the civil administration component in establishing a working group on road safety, which has produced videos and a booklet on traffic rules and an interim traffic code, and a working group on banditry. Prison visits have been conducted, without prior authorization, to ensure that the provisions are being properly applied.

64. However, the public security situation throughout Cambodia is still unsatisfactory. The special measures now under consideration in order to create and maintain a neutral political environment conducive to free and fair elections are discussed below.

5. *Finance*

65. UNTAC is experiencing difficulty in exercising the controls it has sought to put in place over the Phnom Penh authorities as a result of the increasing resistance from them referred to above. Efforts are nevertheless continuing to strengthen UNTAC's control over expenditure, all sources of revenue (e.g., taxes and customs), the central bank functions and the sale of public assets. Techniques and methodology for financial control have also been discussed with the FUNCINPEC and KPNLF administrations.

66. Another dimension is the stabilization of the country's economy in order to reduce possible causes of unrest that might have an adverse effect on the electoral environment. In particular, UNTAC has been involved in efforts undertaken by external donors such as the World Bank/International Monetary Fund and the Asian Development Bank (AsDB), as well as bilateral donors whose financial assistance programmes have macroeconomic implications. An AsDB loan agreement of $74 million was recently approved, and in October 1992 the Netherlands agreed to provide $2 million in short-term assistance for the importation of rice and other goods.

67. In conjunction with the World Bank, the new budget of SOC has been introduced to enhance clarity and transparency and to eliminate budget elements relating to party political activity.

68. In its efforts to assert control over the national bank, UNTAC is monitoring the issue of currency on a weekly basis. Efforts are now under way to set up a system to monitor the bank's position *vis-à-vis* the currency reserves and liabilities of the Phnom Penh administration and to help to forecast economic trends.

69. A workshop for all provincial financial controllers was held on 23 and 24 November in Phnom Penh on various aspects of control techniques, and seminars for tax officials and customs officers of the Phnom Penh administration have been organized.

6. *Information*

70. In October 1992, UNTAC published media guidelines drafted in the Media Working Group established by the Information/Education Division. The guidelines aim at lifting legal restrictions and encouraging the operation of a free and responsible press. To foster this process, UNTAC has helped to launch a Cambodian Media Association of all Cambodian journalists, which had met twice by mid-December. Fair access to the media by all political parties during the forthcoming electoral campaign will also be ensured.

71. UNTAC has enjoyed limited success in its efforts to exercise control over the existing administrative structures dealing with information. No access has been granted to the structures of PDK. The "ministry of information" of SOC has resisted UNTAC's attempts to effect a priori control. Information officers have sought, but failed, to attend editorial meetings of some of its information entities, including its press agency and its television station, "TV Kampuchea". The latter organization has also refused to show one UNTAC video that it

considers not to be neutral *vis-à-vis* SOC, but it has regularly broadcast other UNTAC information materials without difficulty.

7. *Complaints and investigations*

72. More than 140 complaints have now been received, mostly concerning land disputes, evictions and allegations involving interference or abuse by local officials that are not human rights violations.

73. As already noted, many land and property disputes involve the "ministry of defence" of SOC. At the instigation of UNTAC, the "ministry" has now established two committees whose objectives are to prepare an inventory of all real estate owned by the "ministry" and to take disciplinary action against soldiers found to be trespassing on either public property or private property owned by others.

8. *Specialized control*

74. In accordance with annex 1, section B, paragraph 2, of the Agreement, the Supreme National Council agreed at its meeting on 26 May 1992 to UNTAC's "optional" or "second-level" control over a number of fields, including public health, education, agriculture, fishing, transport, energy, tourism, historic monuments, mines and general administration.

75. As of 3 October, an UNTAC naval officer was given the responsibility of monitoring the activities of the Phnom Penh "ministries" involved in the civil administration of the ports of Cambodia.

76. A health sector technical working group was established to examine health-related questions such as ensuring equal access for Cambodians to health services and setting a standard for qualifications of health-care workers. The group, which includes representatives of the Cambodian parties, UNTAC Medical Services, the World Health Organization, UNHCR, UNICEF, ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC), met on 5 October 1992 to discuss control of the spread of the acquired immuno-deficiency syndrome in Cambodia.

G. *Civilian police component*

77. The civilian police component has now effectively reached full deployment with the arrival in Cambodia of some 3,550 officers out of the authorized strength of 3,600, with the final 50 due to arrive soon. The activities of the component, both in general and in response to paragraph 10 of resolution 783 (1992), are described in paragraphs 11 to 13 of my report on the implementation of that resolution [*S/24800*]. Activities of the component in promoting a neutral political environment of Cambodia are described in section I.K below.

78. On 27 November 1992, in implementation of its mandate to organize training courses for the local police, UNTAC awarded graduation certificates to 84 Cambodian police officers who had completed its course on basic police methods. The graduates included members of KPNLF and KPNLAF, as well as 24 officers from PDK. UNTAC has decided to deploy civilian police monitors in areas controlled by PDK to help to protect returning refugees who wish to settle there with assistance from the repatriation component. Both components have been promised full access to those areas where repatriation is to take place.

H. *Repatriation component*

79. About two thirds of the refugees and displaced persons - a total of some 240,000 - had been repatriated without serious incident by the end of December 1992. A total of 34,400 persons were repatriated during the month of December and movements are expected to exceed 40,000 in January 1993. The repatriation of all 360,000 or so refugees by May 1993 is confidently expected. Following the closure in October 1992 of three border camps, Sok Sann, Site K and O'Trao, Site B camp was closed on 14 December 1992. Site 8 is scheduled to close in late January 1993, Site 2 in late March and Khao-I-Dang as soon as possible thereafter.

80. More than 10 per cent of the returnees have been repatriated to the Thmar Puok area presently under the control of KPNLF. Some 3,000 persons have also been repatriated to the zone administered by FUNCINPEC. Preparations for movements to the area under the control of PDK are continuing and the first movement to one of the proposed settlement sites is scheduled to take place around some time in January 1993. A few thousand persons have registered their desire to return to this area.

81. The general deterioration of the security situation has, however, affected the repatriation operation, albeit to a limited extent for the time being. Recurrent fighting in the Bavel district of Battambang Province, for instance, has forced returnees as well as the receiving population to become internally displaced persons. As a result, UNTAC has now declared the district insecure and unsuitable for repatriation purposes.

82. The programme of quick impact projects, jointly managed with the United Nations Development Programme, is progressing successfully. To date some $3.4 million has been disbursed out of a total of more than $9 million earmarked for quick impact projects in the UNHCR programme. The main areas of activity are infrastructure, health, provision of water, agriculture and education.

83. One of the limiting factors in the reintegration into Cambodia of the returnees is the shortage of safe, available land. With this in mind, the Director of the repatriation component has also been named as the Director a.i. of the Cambodian Mine Action Centre, whose Governing Council held its first meeting on 4 November 1992. In accordance with the statute adopted by the Supreme National Council in June 1992, Prince Sihanouk is the President of the Governing Council of the Centre and my Special Representative serves as Vice-President. Each has appointed five members to serve on the Governing Council and, in addition, UNTAC has appointed a Treasurer. The 4 November meeting approved an eight-month operations plan to June 1993 and a draft budget. The Centre will pursue four objectives: increasing mine awareness, collecting mine information and marking minefields, clearing mines and unexploded ordnance and training Cambodians in mine-clearance skills.

84. A group of 398 Vietnamese Montagnards, called the "Front uni de libération des races opprimées" (United Front for the Liberation of Oppressed Races), who had been living for more than 15 years in the forests of Mondolkiri Province, laid down their arms and were transported on 10 October 1992 to an UNTAC transit centre, near Phnom Penh, for screening by United States officials. The process proceeded smoothly, and all of them were accepted for resettlement in North Carolina, United States of America. They travelled to the United States, via Bangkok, in nine groups, between 18 November and 2 December 1992.

85. Out of some 11,000 Cambodian refugees living in Viet Nam since 1975, 850 have requested to be repatriated. The first convoy of 101 returnees took place on 15 November 1992. As of 15 December, a total of 456 returnees had come back.

I. *Rehabilitation component*

86. At the two Supreme National Council meetings held in Phnom Penh on 22 September and 20 October 1992, four rehabilitation projects

totalling $11.7 million were approved. These involved technical assistance in the rehabilitation of public finances and in humanitarian and development-related matters, the safeguarding of Angkor Wat and the promotion and development of agro-related metalworking industries. A further nine projects worth more than $100 million were approved at the Supreme National Council working session held on 8 December. As a result, a total of 35 projects representing over $340 million have been approved by the Supreme National Council since the Tokyo Ministerial Conference on the Rehabilitation and Reconstruction of Cambodia held in June 1992.

87. In collaboration with UNESCO, UNTAC proposed to the Supreme National Council at its meeting on 20 October 1992 the establishment of a National Heritage Protection Authority of Cambodia to coordinate efforts aimed at protecting and administering the physical and cultural heritage of Cambodia. This was approved unanimously by the Supreme National Council. In December 1992, UNESCO decided that the site of Angkor Wat, together with its monuments and its archaeological zones, should be officially inscribed on the list of monuments to be preserved by the international community.

88. At its meeting on 22 September 1992, the Supreme National Council, acting on the initiative of UNTAC, adopted a moratorium on the export of untreated logs as from 31 December 1992 in order to protect Cambodia's natural resources. By paragraph 13 of its resolution 792 (1992), the Security Council supported that decision; requested States, especially neighbouring States, to respect the moratorium by not importing such logs; and requested UNTAC to take appropriate measures to secure the implementation of such a moratorium.

89. At its working session on 8 December 1992, the Supreme National Council reviewed without objection a plan for the implementation of the moratorium, which involves the civil administration, military and civilian police components, as well as the Rehabilitation component. The plan requires a review of existing logging contracts concluded with the four Cambodian parties, the development of legal penalties for illegal trade in logs and sawn timber and provisions for UNTAC supervision of the enforcement of the moratorium by the border police and customs authorities of the existing administrative structures. Since 1 January 1993, in accordance with that plan and pursuant to resolution 792 (1992), UNTAC personnel at the border checkpoints have been monitoring and reporting any illegal export of logs and sawn timber so that the administrative structures concerned and the countries of destination can be informed. My Special Representative has called on countries adjacent to Cambodia to assist in the implementation of the moratorium.

90. In accordance with paragraph 14 of resolution 792 (1992), proposals are being drawn up for submission to the Supreme National Council regarding a moratorium on the export of minerals and gems in order to protect Cambodia's natural resources.

J. *Information/education*

91. UNTAC produces a variety of videos, posters, information leaflets, flyers and large banners and advertisements for public display to encourage full participation in voter registration and to illustrate the work of UNTAC, especially the human rights component. Radio production will increase from four to nine new half-hour programmes per week as the new Khmer direct-production staff begin independent scriptwriting and recording. Programmes are repeated throughout the day at local peak times. The programmes are broadcast from a transmitter in Phnom Penh and reach most of Cambodia, and the addition of relay transmitters, for which tenders were closed in December 1992, will ensure that UNTAC broadcasts can be heard throughout the country. These efforts are complemented by the dissemination in the provinces of 43,000 radios donated by the Japanese people through a non-governmental organization and by a Japanese political party. Another 100,000 transistor radios are in the pipeline. An UNTAC Information Centre was opened in Phnom Penh in mid-November 1992 for Cambodians wishing to read UNTAC materials and watch the video products and as a venue for meetings of Cambodian journalists and for media-related seminars.

92. Translations and analyses of the Khmer-language radio and print output of all four Cambodian parties are provided to my Special Representative and all UNTAC components. Information officers also conduct regular opinion surveys among Cambodians of all categories and occupations in Phnom Penh and the countryside to assess the impact of UNTAC's information programme and to monitor the attitude of the people towards UNTAC and its implementation of the peace process.

93. UNTAC is now preparing for more intensified activity during the electoral campaign, which will include informing Cambodians of the events of the campaign and their significance, disseminating information on the various political party platforms, building confidence in the secrecy of the ballot and instructing voters in voting procedures.

K. *Creation and maintenance of a neutral political environment*

94. One of UNTAC's most important tasks is the creation and maintenance of a neutral political environment conducive to the holding of free and fair elections, as called for in article 6 of the Agreement. This environment is to be achieved through UNTAC control of the existing administrative structures, as well as by promoting respect for human rights as provided for in article 16 of the Agreement. As my Special Representative has informed the Supreme National Council, such an environment does not yet exist. A spate of violent incidents over the last few months has heightened a sense of insecurity among Cambodians. UNTAC's human rights, civilian police and civil administration components have jointly taken the lead in developing measures to prevent and deal with threats to public order so that electoral activity can proceed in peaceful and orderly conditions.

95. Threats to public order in Cambodia can be divided into three categories: politically motivated attacks on political party offices and staff; attacks on Vietnamese-speaking persons; and killings which seem to have no particular political motivation but which spread a climate of fear and intimidation. Although there are provinces where basic political rights are by and large respected, there are others where this is far from being the case. The local administrative agencies, bodies and offices that are in a position to influence the outcome of the election have in many instances not responded properly to their obligation to ensure respect for human rights and fundamental freedoms and to accept UNTAC control and supervision. The existing administrative structures are not providing effective protection to some political parties, nor do officials of those parties believe they are receiving adequate protection from the authorities.

96. In recent weeks there have been more than 40 attacks on political party offices and workers throughout Cambodia. Most of these are directed against FUNCINPEC and the Buddhist Liberal Democratic Party (political wing of KPNLF). The worst incidents have taken place in Battambang, Kandal, Sihanoukville, Pursat, Prey Veng, Svay Rieng, Koh Kong, Siem Reap and Kampot. In most cases, unknown assailants driving past the offices or homes of party members by night throw grenades or fire automatic weapons at them before speeding off. All these incidents have been investigated or are currently under investigation by the civilian police component in collaboration with the human rights component, but UNTAC's efforts are hampered by the lack of witnesses.

97. In addition to the killings of Vietnamese-speaking persons in Tuk Meas Village and Koh Kong Province which I described in paragraph 19

of my 15 November report [*S/24800*], four other violent incidents took place in October and November in which the victims were of Vietnamese origin. Three of these, involving kidnapping, murder and the destruction of property, took place in Sihanoukville. The fourth concerned the abduction, rape and murder of Vietnamese nationals, apparently by a group of Cambodian men, early in November. On 17 November 1992, on the basis of a civilian police and human rights component investigation into the murders in Koh Kong Province, my Special Representative wrote to Mr. Khieu Samphan, President of PDK, seeking his cooperation in locating 10 members of NADK who had been identified as suspects in the killings. No cooperation has been forthcoming.

98. On 16 December, UNTAC was informed that three fishermen of Vietnamese origin had been missing from their home in Hang Kasoun Village, Stung Treng Province, since 8 December. The bodies of the victims were found floating in the Mekong. UNTAC investigations subsequently established that the three had been killed by NADK soldiers, whose names were given to the investigators. On 27 December a group of about 24 soldiers attacked Taches Village in Kompong Chhnang Province. The soldiers who, according to witnesses, belonged to NADK, asked villagers to identify "Vietnamese" residents and killed 14 people pointed out to them. They wounded 14 others, of whom one has since died. The victims included six women and four children. As in the case of the earlier attacks, there is strong evidence that this incident was racially motivated.

99. Summary executions of groups of persons have also caused considerable concern. In two separate incidents in November, a total of 10 bodies were found in shallow graves in Battambang and Kompong Cham provinces. The victims, all young men, were bound and they had been stabbed, beaten or shot to death. Some were in uniform. UNTAC civilian police and human rights component investigations into the cases strongly indicate the involvement of CPAF personnel in the Battambang case, but the identity of the perpetrators in the Kompong Cham case is still unclear.

100. On 19 November 1992, my Special Representative publicly stated that a free and fair election could not be held in circumstances where people faced threats to their lives, property and personal security for attempting to exercise their political rights. He strongly reaffirmed UNTAC's full commitment to the creation and maintenance of a neutral political environment.

101. In order to foster such an environment, UNTAC has announced that it will give priority to protecting three freedoms: freedom from intimidation, freedom of party affiliation and freedom of action for political parties. The attention of the four parties has also been drawn to paragraph 4 of resolution 792 (1992), which calls on them to cooperate fully with UNTAC to create a neutral political environment for the conduct of free and fair elections and prevent acts of harassment, intimidation and political violence.

102. In November, at the request of UNTAC, senior public security officials of the Phnom Penh Administration issued a public statement condemning acts of political intimidation and transmitted instructions accordingly to their subordinates. UNTAC Provincial Directors have also informed the Phnom Penh administration officials responsible for each province, their deputies and heads of districts or communes that, if investigation so warranted, they could be held personally responsible by UNTAC for all acts of intimidation, all threats and all violent actions perpetrated against the agents of the parties active in their province. UNTAC has made it clear to the local authorities that any allegations of intimidation and violence directed against political parties will be vigorously investigated.

103. In mid-December 1992, UNTAC's civilian police and military components instituted intensive patrols and static guard duty to improve the security of political party offices thought to be most vulnerable to attack, and these measures were further refined early in January 1993. On 6 January, in accordance with articles 6 and 16 and sections B and E of annex 1 to the Agreement, my Special Representative issued a directive establishing procedures for the prosecution of persons responsible for human rights violations. Pursuant to this directive, UNTAC has assumed powers to arrest, detain and prosecute suspects in cases involving serious human rights violations. These powers will be exercised in accordance with the Provisions relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period, which were adopted by the Supreme National Council on 10 September 1992.

II. CONCLUDING OBSERVATIONS

104. Some of the developments which have occurred in Cambodia since my last progress report are encouraging, while others are cause for concern.

105. On the positive side, there is no doubt that the voter registration exercise has been a remarkable success. It also demonstrates that the overwhelming majority of the Cambodian people support the peace process and UNTAC's efforts to implement the mandate entrusted to it under the Paris agreements. It testifies to the confidence of the Cambodian people in the democratic process. In accordance with its mandate and with paragraph 5 of Security Council resolution 792 (1992), UNTAC will therefore continue to make every effort to prepare for the holding of free and fair elections by May 1993, in all areas of Cambodia to which it has access as at 31 January 1993. I sincerely hope that all parties will respect the unmistakable wish of the Cambodian people to be given the opportunity to decide freely their own future, in a peaceful and secure environment.

106. I am also encouraged by the progress of the repatriation process. Two thirds of the 360,000 Cambodian refugees and displaced persons have now been safely repatriated and I am confident that, under present conditions, this process will be completed in time to enable all eligible returnees to take part in the elections.

107. On the other hand, there have been a number of negative developments that have created obstacles to the full implementation of the Paris agreements. As the members of the Security Council are aware, PDK's refusal to participate in the second phase of the cease-fire has made it impossible for UNTAC to carry out the cantonment, disarmament and demobilization of the factions' armed forces. The continuing existence of large and sometimes undisciplined armies, as well as attempts by some of them to improve their positions on the ground, has had an adverse effect on the security situation in the country. There has been an increase in violations of the cease-fire, and there have also been a number of attacks on UNTAC personnel and helicopters. Last month, for the first time, members of the UNTAC military component were temporarily detained by elements of NADK in three separate incidents.

108. Another disturbing feature of the present situation is the growing climate of violence resulting from politically motivated acts of intimidation and attacks against party offices and party workers, as well as from apparently deliberate killings of persons of Vietnamese descent. There also seems to be a growing reluctance on the part of some of the existing administrative structures to accept the control and supervision functions entrusted to UNTAC. It is worth reiterating in this connection that non-compliance by one party should not be invoked by any other party as a pretext for failing to honour its obligations under the Paris agreements. In addition, the Supreme National Council has not met as frequently as it should, and the level of participation of some of the parties in its meetings has been disappointing.

109. These developments have seriously hampered UNTAC's efforts to create and maintain the neutral political environment needed for the holding of free and fair elections. The measures recently announced by my Special Representative to deter attacks against political party offices and to arrest and prosecute those thought to be responsible for acts of violence, in combination with some other measures under consideration by UNTAC, should contribute to improving the political atmosphere in the country and promoting a climate of security and stability.

110. I am convinced, however, that the best way of overcoming the present difficulties is for all parties to remain actively involved in the peace process and to engage in constructive dialogue within the Supreme National Council, in accordance with their obligations under the Paris agreements. Clearly, peace in Cambodia cannot be achieved without the continuing support of the Cambodian parties, and UNTAC cannot succeed in its mission unless they cooperate in ensuring that the mechanisms set up by the Paris agreements function in an effective manner.

111. I fully understand the serious concerns recently expressed by Prince Sihanouk about the many challenges that the peace process faces. I am encouraged by the constructive discussions he had with my Special Representative on 8 January and by his decision, despite continuing health problems, to host a meeting of the Supreme National Council in Beijing on 28 January 1993. At this critical juncture, his leadership and moral authority are more than ever needed. Prince Sihanouk remains the sole figure capable of uniting Cambodians of all political persuasions. I am confident that, his health permitting, he will continue to work actively towards peace, stability and national unity in Cambodia and to support UNTAC's endeavours to contribute to the achievement of these goals.

112. In this context, I am gratified that Prince Sihanouk confirmed to my Special Representative that he intended to participate in the presidential election referred to in paragraph 3 of resolution 792 (1992). I am convinced that the holding of a presidential election, in conjunction with the planned election for a Constituent Assembly, could contribute to national reconciliation and that it could provide an essential element of stability during the rest of the transitional period. I have therefore asked my Special Representative to proceed immediately with the necessary technical preparations. I trust that, in view of the time constraints, the members of the Council will support this course of action. I will submit to the Council, in my next report, further recommendations regarding the modalities for the organization and conduct of such an election.

113. In the meantime, UNTAC will continue to do its best to resolve the difficulties that have arisen, so that it can pursue the implementation of its complex mandate in an improved and more secure environment. I am aware that further challenges lie ahead and that the coming weeks may be critical in this regard. I therefore intend to visit the region next month to review the situation personally and study what further measures might usefully be taken to reinforce the peace process and ensure the best possible implementation of the Paris agreements. In the final analysis, however, this can be achieved only with the active cooperation and support of the Cambodian parties.

114. In conclusion, I wish to express my appreciation to the Governments contributing military and civilian police personnel to UNTAC. I take this opportunity to pay tribute to Mr. Yasushi Akashi, my Special Representative for Cambodia, and to all the men and women - civilian, military and police - of UNTAC. They have performed with efficiency and devotion to duty under difficult conditions the important tasks assigned to them by the Security Council.

DOCUMENT S/25125

Letter dated 18 January 1993 from the representative of Lebanon to the Secretary-General

[*Original: English*]
[*19 January 1993*]

I have the honour to inform you that the Lebanese Government has decided to request the Security Council to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL), which expires on 31 January 1993, for a further period of six months, on the basis of the provisions of Security Council resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982) and 509 (1982) and of all other relevant resolutions and decisions of the Security Council.

Since the last renewal of UNIFIL, the Government of Lebanon is pleased to report auspicious developments including the formation of a new government comprising trusted and competent ministers headed by Prime Minister Rafic Hariri. Its formation was welcomed by the Arab world and the international community owing to its broad base of local support and strong commitment to the implementation of the Taif Agreement. The Hariri Government has well commenced its agenda to broaden and strengthen national reconciliation, to accelerate the process of reconstruction and development, and to promote national stability and security through social, economic and administrative reform and the liberation of occupied Lebanese territory. Partial fulfilment of this agenda has greatly enhanced the strength and stability of Lebanon, as is indicated by the numerous reconstruction and development proposals put forth by international financial institutions.

Furthermore, my Government is pleased to report that perfect coordination exists between the command of UNIFIL and the Lebanese Army, the priority of which is deployment of the latter to the entire south of the country up to its internationally recognized boundaries.

However, in spite of these positive developments, Israel is determined to undermine the efforts of the Government of Lebanon to consolidate national unity and territorial integrity. Irrespective of and contrary to the participation of both countries in the Arab-Israeli peace talks, Israel has intensified its efforts to destabilize Lebanon by perpetuating its brutal occupation of the south. Since July of last year, the Lebanese Government has submitted numerous letters of complaint to the Secretary-General detailing routine bombardments, air raids and attacks by the Israeli military and its proxies against Lebanon's citizens, property and sovereignty.

Recently, in spite of the protests of the Lebanese Government, Israel uprooted 415 Palestinian civilians from their homes in the middle of the night and deported them to Lebanon in violation of Lebanese sovereignty and territorial integrity, and the principles of the Charter of the United Nations. The Security Council strongly condemned that action through its adoption of resolution 799 (1992) on 18 December 1992, and demanded that Israel, the occupying Power, ensure the safe and immediate return to the occupied territories of all those deported. Israel, despite the dispatch of two envoys of the Secretary-General to ascertain Israel's implementation of resolution 799 (1992), has refused to implement it.

Throughout 14 months of negotiations, Lebanon has worked earnestly to secure the implementation of Security Council resolution 425 (1978). However, Israel refuses to implement this and all other pertinent resolutions, thus defying the authority of the Council and the

Charter. Owing to the interminable and malevolent nature of the Israeli occupation of southern Lebanon, and the threat Israel's continued occupation poses to the peace process, the time has come for the Security Council to demonstrate its clout as the ultimate guarantor of Member States' compliance with international law.

Further, the time has come for the Security Council to invoke Chapter VII of the Charter to force Israel's compliance with its resolutions. That Member State cannot remain above the law and Lebanon implores the Council to take new and vigorous steps to bring an end to Israel's renegade status through the prompt implementation of its resolution 425 (1978) and the galvanization of its mechanism set out in resolution 426 (1978), which will enable the Lebanese Government to extend its authority over the entire south of the country up to its internationally recognized boundaries.

In this context, the presence of UNIFIL continues to remain of utmost necessity to provide much of the needed assistance and international support for the civilian population faced with the brute and arbitrary nature of the Israeli occupation. However, this assistance cannot be a substitute for the fulfilment of UNIFIL's original mandate as stipulated in Security Council resolution 425 (1978), which is to ensure the withdrawal of Israeli forces from Lebanon and to assist the Government of Lebanon, through the Lebanese Army and internal security forces, in re-establishing its legitimate and effective authority in the area.

The Lebanese Government takes this opportunity to pay a tribute to the UNIFIL command, troops and administrators, and to the troop-contributing countries for their efforts and sacrifices in serving the cause of peace. It also expresses its deep appreciation for the tireless endeavours of the Secretary-General and his assistants, which are instrumental in the valuable presence and mission of UNIFIL in southern Lebanon.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Khalil MAKKAWI
Permanent Representative
of Lebanon to the United Nations

DOCUMENT S/25126

Letter dated 19 January 1993 from the representative of the United States of America to the President of the Security Council

[*Original: English*]
[*19 January 1993*]

Please find enclosed the latest United States report on the implementation of Security Council resolution 794 (1992) on Somalia.

I should be grateful if this report could be circulated as a document of the Security Council.

(*Signed*) Edward J. PERKINS
Permanent Representative of the
United States of America
to the United Nations

ANNEX

Report dated 16 January 1993 by the United States of America pursuant to Security Council resolution 794 (1992)

Since the submission of our previous report on this subject [*S/24976 of 17 December 1992*], Operation Restore Hope and the forces of the Unified Task Force in Somalia (UNITAF) have made significant progress towards achieving the objective stated in resolution 794 (1992) of using "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia"

Initial selected population centres, as well as the port and airfield serving Mogadishu, are now secure Land routes necessary for the movement of relief supplies are now being made secure, and UNITAF will soon be in a position to commence the transition process whereby the United Nations Operation in Somalia (UNOSOM) will begin to maintain the secure environment already established

Phase I of Operation Restore Hope was completed on 16 December 1992 as the Commander of the Task Force in Somalia reported that the airfield and port facilities at Mogadishu and the airfields in Baledogle and Baidoa were secure

Phase II of the Operation was completed on 28 December with the securing of all eight major relief centres to include Kismayo, Bardera, Oddur, Gialalassi and Belet Weyne The completion of phase II operations was important not only because the major food distribution centres were secured, but also because operations were conducted by forces of both the United States and other countries participating in UNITAF

Phase III is ongoing and will be complete when security for land movement of relief supplies from seaports to interior relief centres has been established

On 31 December, United States Army and Italian forces secured the coastal city of Marka Security of Marka has now been passed to forces of the Kingdom of Saudi Arabia

Coalition forces continue to expand security operations in Mogadishu and the other major relief centres

There are approximately 21,000 United States military personnel deployed in support of Operation Restore Hope

Non-United States UNITAF forces in Somalia as of 7 January 1993 total 9,995 and include these from France (2,783), Italy (2,150), Canada (1,262), Belgium (572), Saudi Arabia (643), Turkey (309), Botswana (303), Egypt (270), Morocco (1,356), United Kingdom (90), Germany (60), New Zealand (42) and Kuwait (43) Additionally, the following countries currently have advance parties in the country Australia Nigeria, Zimbabwe, India, Tunisia, Sweden and Pakistan

UNITAF forces continue to build up sustainment bases in Mogadishu, Bale Dogle, Baidoa and Kismayo, and continue to expand security operations in the countryside Security operations in the countryside continue to be important to encourage the resettlement of rural farmers and herdsmen, and the transition from the relief to the rehabilitation phase

The efforts of UNITAF to accomplish its objective have for the most part been welcomed by the Somali population Typically, advance parties consisting of representatives of the United States Special Envoy to Somalia and the Secretary-General's Special Representative for Somalia have preceded the movement of UNITAF forces into a new area These advance parties have generally been successful in securing the withdrawal from the immediate area of any offensive capabilities that might threaten UNITAF forces

On other occasions, segments of the Somali population have attempted to interfere with UNITAF forces When no other recourse was possible, UNITAF forces engaged in action against those elements As it also became necessary to accomplish its mission, UNITAF forces have either convinced those Somalis holding heavy weapons to isolate them in specified areas or have taken action to seize such weapons

The progress of UNITAF forces thus far means that measures may now be taken to prepare for the transition to UNOSOM forces under United Nations command United States government officials have begun initial discussions of this process with United Nations officials in New York and the United States Commander of UNITAF has discussed this with UNITAF Commanders of other countries and with United Nations officials in Somalia The United States Government looks forward to prompt consideration of a Security Council resolution that will authorize an increased troop strength for UNOSOM, give it an appropriate mandate, and ensure it is properly equipped to handle that mandate

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DOCUMENT S/25127

Letter dated 18 January 1993 from the representative of Egypt to the President of the Security Council

[*Original: Arabic*]
[*19 January 1993*]

I have the honour to transmit to you herewith a letter dated 14 January 1993 from Mr. Amre Moussa, Minister for Foreign Affairs of the Arab Republic of Egypt, giving the Egyptian response to the letters from the Minister for Foreign Affairs of the Sudan addressed to you and circulated on 11 and 12 January 1993 concerning the question of Halayib [*S/25090 and S/25095*].

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Nabil A. ELARABY
Permanent Representative
of Egypt to the United Nations

LETTER DATED 14 JANUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF EGYPT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I refer to the letters from the Minister for Foreign Affairs of the Sudan addressed to you and circulated on 11 and 12 January 1993 concerning the question of Halayib. I should like to inform you that these letters bring nothing new to the legal and political aspects of the matter that I addressed in my letter to you of 3 January 1993 [*see S/25051*].

In his letters, the Minister for Foreign Affairs of the Sudan refers to what he calls "developments relating to the Egyptian aggression against the territory of Halayib, which is aimed at imposing a *fait accompli*" [*see S/25090*]. In this connection, I should like to reiterate what I said in my previous letter, that the Egyptian security and administrative presence in all its forms inside Egypt's international boundaries north of the 22nd parallel in the area referred to has been fixed and unwavering and shall remain so. It is a normal presence and falls within the exercise by Egypt of its sovereignty over its territory with a view to securing the boundaries in question against any attempt to violate them, particularly on the part of terrorist elements whose activities have been on the increase in recent times and which could pose a threat to the security and integrity of the area.

We consider that the references by the Sudanese Government to aggression carried out by Egyptian forces in recent times are unacceptable in both form and substance. There has never at any time been an Egyptian presence in Sudanese territory south of the 22nd parallel, and its claims that the Halayib area is Sudanese territory rest on no legal, historical or factual basis, as I stated in my previous letter. The truth of the matter is that these claims reveal the designs of the Government of the Sudan to transform the limited administrative functions entrusted to it pursuant to Egyptian decrees into permanent occupation and the annexation of territory that demonstrably belongs to Egypt both legally and historically.

We could speak at length of the underlying political motives of the Government of the Sudan in raising the question of Halayib at this particular time. However, in our endeavour to avoid further complicating the situation, we are here content to affirm our earnest desire to settle any difference with the Sudan in the framework of the historical friendly relations between the two countries, deference for the norms and principles of good-neighbourliness and non-interference in the internal affairs of others, respect for rights in accordance with the agreements in force and the fulfilment of obligations arising out of the undertakings given.

I request you to have this letter circulated as a document of the Security Council.

(*Signed*) Amre MOUSSA
Minister for Foreign Affairs
of Egypt

DOCUMENT S/25128

Letter dated 19 January 1993 from the representative of Iraq to President of the Security Council

[*Original: Arabic*]
[*19 January 1993*]

On instructions from my Government, I have the pleasure of transmitting to you herewith a statement by the Revolution Command Council dated 19 January 1993 concerning its decision to cease firing as of 8 a.m., 20 January, Baghdad time.

I should be grateful if you would have this letter and the text of the statement circulated as a document of the Security Council and bring the statement to the attention of its members.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

TEXT OF THE STATEMENT

In view of the accession to the presidency of the United States of a new President, as a gesture of good will on the part of Iraq to new American President Bill Clinton and, through him, to the American people and to all who cherish peace and justice in the world, and as an expression of the will of our great people, which has affirmed its love for peace and its faith in the ideals of mankind, the Revolution Command Council has decided on the following:

A cease-fire as of 8 a.m. Baghdad time on 20 January 1993, except in the event of firing by the other party, with a view to affording the new United States Administration an opportunity to consider the ban on Iraqi aviation in areas of northern and southern Iraq, so that it may verify, in a situation of calm where considerations of combat conditions are not involved, that the decision of the previous Administration and its associates to impose the ban was a unilateral and unwarranted one and one aimed at achieving particular political objectives that have no connection with the resolutions of the United Nations, and so as to allow scope for the new Administration to establish a constructive dialogue.

We believe that the coming months are sufficient for the consideration of this question by the new United States Administration and for an understanding of the other issues, particularly that of lifting the unjust embargo maintained against the people of Iraq despite the discharge by Iraq of the oppressive obligations imposed upon it by Security Council resolution 687 (1991).

DOCUMENT S/25130

Letter dated 18 January 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*20 January 1993*]

I have the honour to refer to your presidential statement of 8 January 1993 [*S/25079*] in which you requested me to undertake a full investigation into the killing earlier that day of Mr. Hakija Turajlic, Deputy Prime Minister for Economic Affairs of Bosnia and Herzegovina, and to report to the Council without delay.

On 11 January, I appointed a Special Commission of Inquiry to investigate this incident. The Special Commission was jointly headed by Sahabzada Yaqub-Khan (Pakistan), former Minister for Foreign Affairs of Pakistan and currently serving as my Special Representative for Western Sahara, and Lieutenant-General Lars-Eric Wahlgren (Sweden), Commander of the United Nations Interim Force in Lebanon. The Special Commission convened in Geneva on 12 January and visited the UNPROFOR mission area from 13 to 15 January 1993. Mr. Yaqub-Khan and General Wahlgren have today submitted to me their report, which is annexed hereto. I shall also provide a copy of the report to the Government of Bosnia and Herzegovina, through their Permanent Mission here.

I should like to draw your attention to the following points made by the Special Commission, which are relevant to the concerns expressed by members of the Security Council on 8 January 1993:

(*a*) It is not part of UNPROFOR's mandate as approved by the Security Council to escort members of the Presidency of the Government of Bosnia and Herzegovina to and from Sarajevo airport. However, UNPROFOR has provided this service as a courtesy to the host Government;

(*b*) The request by the Presidency to UNPROFOR on 8 January 1993 to provide one armoured personnel carrier (APC) to bring an official delegation to Sarajevo airport was not in conformity with established procedures. The notice was very short: the request was made at 1230 hours to transport six officials from the Presidency to the airport at 1300 hours. The list of the officials to be transported was not communicated, nor was UNPROFOR aware that one of the six, Mr. Turajlic, was a Deputy Prime Minister and that he would be returning to the city alone. Not until the time of the incident itself was UNPROFOR aware of the identity of the personality being transported;

(*c*) As a result of the above, UNPROFOR failed to adhere to the standing operating procedures normally applied to the escort of civilian VIPs, including prior reconnaissance, an adequate strength of APCs and special briefings on the procedures to be followed;

(*d*) A considerable degree of mistrust surrounds the Sarajevo airport operation and is exacerbated by Bosnian-Serb suspicions about flights from certain countries known to be supporting the Government of Bosnia and Herzegovina. False rumours alleging that 60 "Mujahidin" had been flown in on the very aircraft Mr. Turajlic had gone to meet had added to the atmosphere of tension at the Serb checkpoint that day;

(*e*) UNPROFOR does not enjoy full freedom of movement in Bosnia and Herzegovina despite the 5 June 1992 agreement, which provides for security corridors to be established between the airport and the city under the control of UNPROFOR. As a result, UNPROFOR's vehicles and APCs are regularly subject to controls and inspection at checkpoints manned by all parties to the conflict in Bosnia and Herzegovina;

(*f*) On the basis of its inquiries into the specific circumstances surrounding the incident, the Special Commission concluded that the assassination was the work of a single assailant acting unilaterally.

In addition to the above points, the Special Commission makes specific recommendations relating to various aspects of UNPROFOR's functioning in Bosnia and Herzegovina, which are being studied by my staff.

(*Signed*) Boutros BOUTROS-GHALI

ANNEX

Report of the Special Commission of Inquiry into the assassination of Mr. Hakija Turajlic, Deputy Prime Minister of Bosnia and Herzegovina, on 8 January 1993

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INTRODUCTION

1. The composition of the Special Commission of Inquiry into the assassination on 8 January 1993 of Mr. Hakija Turajlic, Deputy Prime Minister of Bosnia and Herzegovina, convened on the authority of the Secretary-General of the United Nations, was as follows

Mr. Sahabzada Yaqub-Khan	Co-Chairman
Lieutenant-General Lars-Eric Wahlgren	Co-Chairman
Colonel Charles Corberand	Member
Colonel Roel Kampman	Member

2. The Special Commission was assisted by

Ms. Leila Benkirane	Legal Officer
Mr. Donato Kiniger-Passigli	Civil Affairs Officer
Captain Cathal O'Neill	Secretary

3. The Special Commission worked according to the programme attached as appendix II

4. The mandate of the Special Commission was as follows

(*a*) To establish the facts and circumstances relating to the incident;

(*b*) To assess whether the relevant procedures were followed by the United Nations Protection Force (UNPROFOR) units and personnel concerned;

(*c*) To assess whether those procedures were appropriate to the circumstances in which UNPROFOR was operating in Sarajevo;

(*d*) To make appropriate recommendations

5. The members of the Special Commission were authorized to make such contacts as they found necessary with the Government of Bosnia and Herzegovina, the Bosnian-Serb leadership, the Force Commander of UNPROFOR and the personnel under his command and any other persons they deemed appropriate

6. The Special Commission was required to report to the Secretary-General not later than 18 January so that he could present the report requested of him by the Security Council in the President's statement of 8 January [*S/25079*].

7. The documents on which the inquiry centred and on which the evaluation was based are as follows:

(*a*) Mandate of UNPROFOR, in particular Security Council resolutions 743 (1992), 749 (1992), 761 (1992) and 776 (1992);

(*b*) Guideline standing operating procedure;

(*c*) UNPROFOR headquarters standing operating procedure;

(*d*) Bosnia and Herzegovina Command standing operating procedure;

(*e*) Sector Sarajevo standing operating procedure;

(*f*) Unit (Headquarters Company/Sector Sarajevo) standing operating procedure;

(*g*) Military Police report annex;

(*h*) Summaries of briefings and statements as attached.

8. Additional documents were given to the Special Commission by the officials of the Government of Bosnia and Herzegovina.

I. GENERAL

A. *UNPROFOR mandate and background*

9. On 21 February 1992, the Security Council, by its resolution 743 (1992) approved the establishment of UNPROFOR for a period of 12 months. The Council confirmed that the Force should be an interim arrangement to create conditions of peace and security. In resolution 749 (1992), the Council authorized the full deployment of the Force.

10. Security Council resolution 761 (1992), of 29 June 1992, provided that UNPROFOR should ensure the security and functioning of Sarajevo airport and the delivery of assistance in accordance with the Secretary-General's report dated 6 June 1992 where it was stipulated that UNPROFOR would:

> "take over full operational responsibility for the functioning and security of Sarajevo airport. UNPROFOR would ensure the immediate security of the airport and its installations, supervise the operation of the airport (using as far as possible its present civilian employees), control its facilities and organization, facilitate the unloading of humanitarian cargo and ensure the safe movement of humanitarian aid and related personnel." [*S/24075, para. 4*]

11. In the report of the Secretary-General on Bosnia and Herzegovina dated 10 September 1992 and approved by the Security Council in resolution 776 (1992) UNPROFOR was mandated:

> "to support UNHCR's efforts to deliver humanitarian relief throughout Bosnia and Herzegovina and in particular to provide protection, at UNHCR's request, where and when UNHCR considered such protection necessary" [*S/24540, para. 3*]

12. The escorting of officials of the Presidency of Bosnia and Herzegovina is not based on the mandate of UNPROFOR in Bosnia and Herzegovina but on a practice which has evolved in the area.

B. *Environment*

13. The following features that have characterized the difficult environment in which UNPROFOR operations have had to be carried out should be kept in mind:

(*a*) Systematic procedures have been dislocated by frequent shelling, disturbance of the civic life of cities and the attendant confusion and disorder;

(*b*) Many of the freshly arrived units in the area had no experience or training for peace-keeping operations;

(*c*) In addition to the complex political and military situation that prevailed, the interruption of vehicular movement militated against operational efficiency;

(*d*) Rapid changes in the situation called for equally rapid changes of mandate and geographical location of headquarters and redeployment of units and their logistical support;

(*e*) A complicated command structure inhibited flexible operational control;

(*f*) The frequency of visits of high authorities and insistent requests from local authorities for such visits at short notice and without proper documentation imposed a severe strain on the resources of the command at various levels and led to errors and omissions, with grave consequences;

(*g*) The psychological strain on commanders at all levels to solve operational dilemmas between overreaction and underreaction, with limited military capability, in a peacemaking or peace-keeping mission must also be recognized.

II. FACTS AND CIRCUMSTANCES RELATING TO THE INCIDENT

14. On 8 January 1993 a Turkish flight, planned and approved by the Office of the United Nations High Commissioner for Refugees (UNHCR), landed in Sarajevo airport at 1500 hours. The UNPROFOR Sector of Sarajevo was requested at 1230 hours by the Presidency of Bosnia and Herzegovina to provide one armoured personnel carrier (APC) to bring an official delegation to the airport.

15. This request was not in conformity with UNPROFOR procedures. The notice was too short. The list of people to be transported was not communicated. However, the request was accepted as a matter of simple routine by the Sector, which was accustomed to the practice of providing transport to the Presidency. Furthermore, its attention was not drawn to the identity of Mr. Turajlic.

16. At 1300 hours one APC arrived at the Presidency and transported six people to the airport without any incident. On its way back to Sarajevo it was blocked at 1630 hours at a checkpoint 400 metres from the airport. This checkpoint had just been activated by the Serbs, who had been alarmed by the arrival of the Turkish aeroplane, which was suspected of transporting armed mujahidin to fight alongside the Bosnian Muslims. At that time Mr. Turajlic was the only passenger in the APC. His identity was still unknown to UNPROFOR. The rest of the Bosnian delegation had boarded the Turkish plane.

17. At the checkpoint, the APC's crew showed their identification papers as requested, but the passenger refused to do so. To enable the identity to be checked the rear doors of the APC had been opened by the crew and reclosed immediately thereafter. The Operations Room, having been informed, sent the Serbian Liaison Officer from Sector Headquarters to the spot. He arrived at 1700 hours and stayed five minutes in the APC to confer with Mr. Turajlic, who showed him his passport.

18. At 1710 hours Colonel Sartre, Commanding Officer of the French Battalion, arrived at the checkpoint. He first cleared the passage for two United Kingdom and two Ukrainian APCs, which passed through the checkpoint. He, thereafter, did his best to calm down the agitated crowd while blocking the entrance to the APC, the doors of which could not be closed after the departure of the Serbian Liaison Officer because of the pressure of the crowd.

19. Simultaneously, Colonel Sartre conducted negotiations with the Serbian leaders. The tension at that time was so high that Colonel Sartre drew his pistol.

20. During this period he was in radio contact with the Sector Operations Room. When he learned that the Serbs had cleared the movement of the APC carrying the Deputy Prime Minister, the tension abated. The Serb leaders at the checkpoint had agreed not to try to seize Mr. Turajlic but they had no radio communications to obtain confirmation of this decision from their own authorities. Colonel Sartre offered to help the Serbs in establishing the communication they desired. It was at this moment that a Serb, who had been in a high state of excitement, fired a burst from his semi-automatic pistol at Mr. Turajlic over the shoulder of Colonel Sartre, who was still blocking the entrance to the APC. The comrades of the assailant tried to restrain him from firing a second time but failed to prevent him from doing so. Mr. Turajlic collapsed in the APC.

21. Thereafter, the Serbs immediately cleared the road. Mr. Turajlic was driven to the Sector headquarters hospital, where he was pronounced dead.

22. In describing the above event and in view of the reaction of the Serbian officers in restraining the assailant, the Special Commission gained the impression that the assailant had acted impetuously and on his own initiative in a state of high agitation.

III. EXAMINATION OF RELEVANT STANDING OPERATING PROCEDURES

A. *Standing operating procedures in relation to the incident*

23. Separate standing operating procedures for escorting high-level civilians existed in the Sector command headquarters, Sarajevo. These standing operating procedures include, among others, the following instructions:

(*a*) Requests for escorting high-level civilians must be forwarded in writing and be accompanied by a list of persons to be escorted, together with their identity;

(*b*) The escort required for this type of operation should be composed of the following elements: one reconnaissance APC, an escorting and carrying element of three APCs and, on less than five minutes "standby", a platoon of vehicles as a "rapid reaction element";

(*c*) A briefing should be given to the escort leader on rules of engagement and other special orders;

(*d*) The whole escorting operation should be under orders of the operation cell of headquarters Sector Sarajevo.

B. *Compliance with relevant standing operating procedures by UNPROFOR units and personnel*

24. Generally speaking, headquarters Sector Sarajevo apparently did not seem to consider that the above standing operating procedures were applicable in this case. More precisely, as

the request from the Presidency was not conveyed properly in writing and was also not accompanied by a list of persons and their identities, it was not handled as a request for escorting high-level persons. It was dealt with in routine fashion. The reaction of the Sector headquarters to a contingency, namely a short-notice demand to transport Presidency officials was, in the circumstances, as prompt and helpful as possible. Although this request was approved, it was not followed up according to the provisions of the standing operating procedures concerning demands of this kind. In effect, this meant that no reconnoitring was made, that the transporting element was not aware of the identity of the passengers, that no escorting APCs were assigned and that no special briefing on the mission was given. Also, the crew did not know that the provisions of the standing operating procedure that "under no circumstances will the doors of APCs be opened" had to be observed.

C. *General rules on safety of personnel*

25. This neglect of the provisions of the standing operating procedures mentioned above did not preclude that the normal rules of engagement should apply. These refer to the use of weapons in cases where the safety and lives of United Nations personnel and the execution of their mission are endangered. These rules must be considered as having been followed as far as possible as is evident from the fact that the crew of the APC loaded their weapons and showed their intention to use them when the crowd threatened to use theirs.

IV. REVIEW OF THE INCIDENT ON THE BASIS OF THE MANDATE OF UNPROFOR IN BOSNIA AND HERZEGOVINA

A. *Mandate of UNPROFOR*

26. The mandate of UNPROFOR in Bosnia and Herzegovina, as clearly described in the relevant reports of the Secretary-General [*S/24075 and S/24540*], does not provide for the cooperation that has been extended by UNPROFOR to the Presidency of Bosnia and Herzegovina, namely to escort members of the Presidency in and out of Sarajevo. Irrespective of the merits of the case with regard to the incident itself and in order to review thoroughly the circumstances under which the incident occurred, it is necessary to point out that the checking of UNPROFOR vehicles and personnel at checkpoints in corridors between the airport and the city is inconsistent with:

(*a*) The agreement signed on 5 June 1992 by all members of the Presidency of Bosnia and Herzegovina and separately by the Bosnian Serb side on the reopening of Sarajevo airport for humanitarian purposes, as annexed to the report of the Secretary-General dated 6 June 1992 [*S/24075*];

(*b*) The customary principles and practices of United Nations peace-keeping or similar operations.

27. Under paragraph 9 of the above-mentioned agreement, the signatories agreed:

> "To ensure the safe movement of humanitarian aid and related personnel, security corridors between the airport and the city will be established and will function under the control of UNPROFOR."

However, the agreement is yet to be implemented and the security corridors referred to therein are not yet under the full control of UNPROFOR.

28. The absence of such control by UNPROFOR was a major contributing factor in this tragic incident, which could have been avoided if the above-mentioned agreement had been properly implemented. The checking imposed on UNPROFOR in corridors between the airport and the city is therefore unwarranted and should be protested against.

29. Moreover, the prevailing practice of subjecting the movement of UNPROFOR vehicles and personnel to Serbian control at checkpoint impedes the freedom of movement that UNPROFOR should enjoy under the customary principles and practices of United Nations peace-keeping operations. Provisions to this effect have been included in the draft agreement between the United Nations and Bosnia and Herzegovina on the status of UNPROFOR and its personnel. Although this draft agreement has been extensively negotiated for some considerable time, it has not yet been signed. Nevertheless, by consenting to the presence of UNPROFOR, the authorities of Bosnia and Herzegovina implicitly agree to respect the established practices and principles of United Nations peace-keeping or similar operations, under which freedom of movement is a prerequisite for the performance of their tasks.

B. *Increase in airport activity and coordination between UNPROFOR and UNHCR*

30. In its resolution 757 (1992) of 30 May 1992, the Security Council demanded, *inter alia*, that all parties create the conditions necessary for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina, including the establishment of a security zone encompassing Sarajevo and its airport.

31. Negotiations on the reopening of Sarajevo airport have been in progress since mid-May 1992 in view of the crucial importance of this life-line for the besieged city and for all humanitarian relief operations in Bosnia and Herzegovina. The agreement for the handing over of the airport to UNPROFOR was reached on 5 June 1992 on the basis of a cease-fire agreed upon by all parties on 1 June 1992.

32. The cessation of hostilities was never preserved, but the "humanitarian airport" became, since its reopening on 29 June 1992, the principal channel for the supply operations coordinated by UNHCR. As of 15 January 1993, a total of 2,052 humanitarian flights had landed at Sarajevo airport. In spite of the fact that the airlift was several times disrupted by the resumption of hostilities, a significant increase in the airport's activity has taken place during the past months.

33. Subject to favourable weather conditions, up to 20 UNHCR flights land daily in Sarajevo, delivering their humanitarian cargo, in addition to that, UNPROFOR operational flights are also regularly servicing the same airfield. This escalation of the frequency of the activity at the airport testifies to the success of the political decision to maintain this life-line. It also testifies to the extreme dedication of the servicemen involved, who constantly put their lives at risk because of the uninterrupted hostilities in the proximity of the airport. UNPROFOR troops have been deliberately targeted by snipers' fire and by mortar attacks in and around the airport.

34. In view of the above situation and given the fact that the airport security should be accorded the highest priority, the coordination of the air operations from and into Sarajevo is of the utmost importance. The Special Commission learned that UNHCR headquarters in Geneva has a key role in keeping UNPROFOR abreast of the flight arrangements and their frequency. Owing to the limited time-frame of the Special Commission's investigation, it was not possible to enter into details of the existing coordination mechanism between UNPROFOR and UNHCR concerning flight arrangements and schedules. It is, however, the opinion of the Special Commission that an ad hoc operational cell should exist in order to ensure proper communications and the necessary notice for the arrival of each flight. In the case of the Turkish Airlines aircraft, which landed in Sarajevo on the day of the assassination, transporting the delegation which met with the Deputy Prime Minister, notice of this delegation was not given to UNPROFOR nor was the political sensitivity of the visit of the Turkish aircraft taken into account. It also appeared that the recommendation of UNPROFOR Bosnia and Herzegovina Command not to allow aircraft with Turkish and Iranian insignia to land on Sarajevo airfield was ignored. Sufficient coordination does not seem to have taken place between UNHCR and UNPROFOR in order to eliminate the possibility of errors and omissions of the kind that in fact occurred.

V. CONCLUSIONS AND RECOMMENDATIONS

A. *Directly related to the incident*

35. The importance of establishing and adhering strictly to standing operating procedures prior to and during escorts is obvious. Whenever any doubt arises regarding the fulfilment of the requirements of these standing operating procedures, the Commander concerned should not ignore them without clearance from a higher level. Similarly, standard United Nations procedures of "show of force" in order to create a position of advantage to avoid recourse to "use of force" should also be implemented. In addition, it has been noted that the procedure of opening the doors of all vehicles to inspect United Nations property contravenes the spirit of the provisions contained in paragraph 1 of Article 105 of the Charter of the United Nations, under which "the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes". By becoming a Member of the United Nations, Bosnia and Herzegovina undertook to assume obligations such as those provided for under the above-mentioned Article of the Charter. Privileges and immunities of the Organization require *inter alia* that the property of the United Nations, such as UNPROFOR vehicles, are not searched.

36. In the worst situation, the device of using hatches instead of doors when entering or leaving vehicles could provide a flexible solution. The active support from higher operations centres when incidents occur is absolutely essential successfully to defuse situations and buttress the morale of the personnel on the spot.

37. In summary, standing operating procedures based on the guideline standing operating procedure should be clearly established. Training exercises should be consistently conducted to cover all aspects of operations and possible contingencies. This applies not only to units involved in this incident but also to the proper training and orientation of newly arrived national contingents. Such preliminary preparations would also ensure uniformity of procedures and reactions throughout the mission, thereby facilitating day-to-day operations.

38. In the guideline standing operating procedure, the principle of a "board of inquiry" is also laid down. Following an incident like this, it is important that the board-of-inquiry procedures are well known and strictly implemented. The confidential nature of the board of inquiry must be respected with regard to the release of information to both parties to a conflict and also to troop contributors in the wider interest of the security of United Nations personnel.

39. The complicated nature of command and control and the need to deal with a variety of agencies enjoying an autonomous status in their functioning are factors that have contributed to creating an environment that is not favourable to operational efficiency. Furthermore, the successive build-up of the mission of UNPROFOR over a short time, with new and extended mandates, and the establishment of new headquarters have also added to complexity of command and control. A further review of the command structure, within the resources that exist in UNPROFOR, is recommended. It was said that, for the Bosnia and Herzegovina Command, the administrative, legal and political capacity that would normally comprise a United Nations operation as in Bosnia and Herzegovina was initially strongly reduced because contributing nations agreed only to fund their troops, not the overhead costs. Therefore, it is recommended that timely payment of contributions be made as agreed in future meetings of the nations concerned.

B. *Indirectly related to the incident*

40. It has been obvious to the Special Commission that the incident was influenced by a high degree of suspicion about activities at the airport, both in relation to incoming flights and with regard to people crossing the airfield at night. It was also obvious that a lack of

understanding of the UNPROFOR mandate contributed in no small measure to these misgivings. This highlights the need for confidence-building measures.

41. The sensitivity of the Serbs concerning activities that they conceive as hostile to their interest is likely to persist. The establishment of a United Nations zone around the airfield and stricter control of movement of personnel into and out of the airfield and more open information concerning activities there might dispel the apprehension of the Serbs that the airfield was being used as an "air bridge-head" by the other side. For these reasons the continuation of the already planned establishment of a United Nations zone around the airfield is recommended. However, it must also be understood that this will call for surveillance of the perimeter against infiltration, by deployment of some troops.

42. As stated in the report of the Secretary-General [*S/24075*], UNPROFOR is responsible for the functioning and the security of Sarajevo airport and the supervision of its operation. The unnotified incoming Turkish aircraft, approved by UNHCR, had not only humanitarian, but also political and, consequently, security implications. It is evaluated that this lack of coordination between UNPROFOR and UNHCR and disregard for previous recommendations concerning the arrival of Turkish aircraft were a major factor in creating a combination of circumstances that led to the incident. The Special Commission therefore recommends a review of the procedures for clearance and coordination of incoming flights and a strict checking procedure at the airport.

43. As already mentioned, the Special Commission gained the impression that another unfavourable factor is the lack of knowledge and understanding of the mandate and activities of UNPROFOR among the authorities. In an area that has been under Communist control for some 45 years, severe restrictions continue to be placed on the free flow of information. The use of propaganda and disinformation continues to prevail throughout the area. There are apparently 51 television and radio stations in Bosnia and Herzegovina alone and people are "hooked on electronic information". By contrast, UNPROFOR does not have the means to counterbalance the one-sided nature of the propaganda offensive. The experience from other peace-keeping operations has shown the value of well coordinated programmes broadcasting even from small radio stations at the battalion level. A review of the information system is therefore recommended to tackle this problem.

C. *Summary of conclusions and recommendations*

1. *Conclusions*

44. The arrival of the Turkish airplane and the lack of communication concerning its arrival contributed to the incident.

45. The lack of adherence to established standing operating procedures resulted in insufficient information and briefing of the APC crew. This in turn led to the dispatch of a grossly understrength escort/transport element. Inadequate information also contributed to a failure to assess the gravity of the situation when the APC was stopped and reserves or reinforcements were not called up.

46. The resistance of the parties to facilitate the freedom of movement of United Nations forces has led to unacceptable checkpoint procedures, which impede the mobility of United Nations vehicles.

47. The act of assassination appears to have emanated from the unilateral action of a single assailant.

2. *Recommendations*

48. The knowledge and training of United Nations personnel with regard to standing operating procedures, based on the guideline standing operating procedure, should be increased.

49. United Nations legal procedures (military police report, board of inquiry, security of personnel, etc.) should be implemented strictly.

50. The right of UNPROFOR to enjoy freedom of movement and its implications for the performance of its tasks should be emphasized.

51. The command and control structure within the peace-keeping force and coordination with other United Nations agencies should be reviewed.

52. A United Nations zone should be established around Sarajevo airport as already planned and procedures for the control of activities in the airport should be reviewed.

53. The United Nations information structure should be improved in order to inform the local population and parties concerning UNPROFOR mandate and activities.

APPENDIX I

Mandate of UNPROFOR in Bosnia and Herzegovina

1. The mandate of UNPROFOR in Bosnia and Herzegovina in the context of the incident at Sarajevo is essentially based on Security Council resolutions 761 (1992) and 776 (1992), dated 29 June and 14 September 1992, respectively.

2. By resolution 761 (1992), the Security Council authorized the Secretary-General to deploy immediately additional elements of UNPROFOR to ensure the security and functioning of Sarajevo airport and the delivery of humanitarian assistance in accordance with his report dated 6 June 1992 [*S/24075*].

3. By resolution 776 (1992), the Security Council authorized, in implementation of paragraph 2 of resolution 770 (1992), the enlargement of UNPROFOR's mandate and strength in Bosnia and Herzegovina recommended by the Secretary-General in his report dated 10 September 1992 [*S/24540*] to perform the functions outlined in that report, including the protection of convoys of released detainees if requested by the International Committee of the Red Cross. UNPROFOR's functions as described in the report of the Secretary-General and approved by Security Council resolution 776 (1992) would be to support UNHCR's efforts to deliver humanitarian relief throughout Bosnia and Herzegovina, and in particular to provide protection, at UNHCR's request, where and when UNHCR considered such protection necessary.

Appendix II

*Programme of the Special Commission of Inquiry**

APPENDIX III

Summaries of briefings

A. *Briefing by Colonel Kampman, Chief, Bosnia and Herzegovina operations, UNPROFOR Headquarters, Zagreb, on the Bosnia and Herzegovina Command*

1. Colonel Kampman presented the mission, the organization, the chain of command and the deployment of UNPROFOR in Bosnia and Herzegovina. He raised the question of providing escort to UNHCR convoys in the eastern part of Bosnia and Herzegovina where no UNPROFOR units were deployed and consequently the Sarajevo Sector had to assist in escorting.

2. He stressed also the fact that in Bosnia and Herzegovina UNHCR was the leading agency and that the mission of UNPROFOR was to provide protection to the convoys.

B. *Briefing by Brigadier General Wilson, Liaison Officer, UNPROFOR, to the International Conference on the Former Yugoslavia, on the prevailing situation in Sarajevo*

3. Brigadier General Wilson pointed out the existing confrontation line between the warring factions and the situation of the Presidency in Sarajevo, which was besieged by the Bosnian Serbian Army.

4. That confusing situation rendered any negotiations between the different parties difficult.

C. *Briefing by UNPROFOR staff: Lieutenant General Nambiar, Force Commander; Brigadier General Harders, Chief of Staff; and Mr. C. Thornberry, Deputy Chief of Mission and Director of Civil Affairs*

5. UNPROFOR successively presented the organization of the mission and the political aspects of the situation.

6. In the first part of the briefing a historical background to UNPROFOR was presented. The Chief of Staff dealt with the different mandates carried out by UNPROFOR including the tasks in Croatia (Security Council resolutions 743 (1992) and 749 (1992)), the mandate for Sarajevo airport (resolution 758 (1992)) and that for the protection of the convoys in Bosnia and Herzegovina (resolution 776 (1992)).

7. The Deputy Chief of Mission gave a comprehensive and exhaustive description of the political implications of the UNPROFOR deployment in the mission area. He stressed how dynamic the situation was in consideration of the several extensions of the mandate. In that context, he also pointed out that the UNPROFOR strength had expanded up to the present 24,000 troops, which made it the largest United Nations peace-keeping mission ever. He then depicted the situation in Sarajevo, which had evolved dramatically since the fighting began in April 1992. Sarajevo had been, before the war, a complex, multi-ethnic community. In the course of the conflict, Serbs, in particular, had sought to divide and polarize it. When the UNPROFOR deployment had taken place, the attitude of the people had initially been of joy and exhilaration, which later became disappointment. The expectations were different from what the mandate prescribed. UNPROFOR, in fact, never had the mandate, nor the force, to rescue the people. As far as airport control was concerned, the Serbs were more comfortable with UNPROFOR being in charge of it, while the Presidency forces were more suspicious about it. The discrepancy between the realistic mandate of UNPROFOR and the higher popular expectations produced a gap in confidence which was highly exacerbated by the role of the media.

8. On the subject of the current political and military situation in Bosnia and Herzegovina, he pointed out that the Presidency forces were at present on the offensive, while the Croats had consolidated their presence and the Serbs wanted to hold on to what they had gained.

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* The programme of work of the Commission is not reproduced in the the present *Supplement*; it may be consulted in the files of the Secretariat.

Presidency forces were the most active because they wanted to regain some of the territories they had lost on the battleground. It was, therefore, the Presidency side which now tried to "destabilize the stability" and regain territory. Infantry attacks of the Presidency forces had caused the immediate response of the Serb counterpart. The massive disproportion of the Serb reaction was noticeable because of their overwhelming fire-power.

9. He concluded by analysing the role of UNPROFOR in light of the peace talks of the Geneva Conference on the Former Yugoslavia. UNPROFOR was the mediator in the midst of the civil war and was expected to provide stability. All in all, it was a complicated picture where racist forces were on the offensive and hard-liners prevailed. UNPROFOR was generally accepted as an impartial force but its men were taking heavy risks in the accomplishment of their daily missions.

D. *Briefing by Brigadier General Abdul Razek, Sector Commander Sarajevo*

10. Brigadier General Razek gave a briefing on the incident and focused on the sequence of events and related timing. He stressed that particular escort request had been given at very short notice, contrary to existing procedures. Those procedures included a list of the people to be transported, which on that occasion had not been provided by the Presidency.

E. *Briefing by Colonel Sartre, Commanding Officer, French Battalion 2, Sector Sarajevo*

11. Colonel Sartre gave a verbal outline of his written report (see appendix IV below). He stressed that, at the time he arrived at the Serbian checkpoint, his two major concerns were (*a*) to protect the people transported in the APC; and (*b*) to try to reduce the tension.

12. He stated that he had not been ordered to go on the spot but had gone on his own initiative because he had heard on the radio network that there were some problems at that location. After his arrival he had seen a number of vehicles stopped in line at the checkpoint. Those vehicles included two United Kingdom and two Ukrainian APCs, which he cleared through the checkpoint. He did not know that the APC at the front contained the Deputy Prime Minister.

13. The remaining APC did not belong to his battalion but to the Headquarters Company of Sector Sarajevo. He had not called for the assistance of other APCs so as not to exacerbate the tension, which was high. All the time he had been in radio contact with the Sector Sarajevo Operations Room. Simultaneously, he was negotiating with the Serb Commanders on the spot. Those Serbian officers had included one Brigade and two Battalion Commanders. While the negotiations were still under way to decrease tension, a Serb, present in the crowd, all of a sudden had shot Mr. Turajlic, who all the time had remained in the back of the APC.

F. *Briefing by Major Jackson, Operations Officer, Headquarters Sector Sarajevo*

14. Major Jackson stated that at the time of the incident he was just handing over his duty, and was under pressure because of the number of tasks the office had received, and because of the lack of resources with which he had to perform those tasks.

15. In the light of those circumstances and the very short notice of the request, the appropriate procedures had not been followed on that occasion. The Operations Room which provided the APC did not know that the Deputy Prime Minister was among the officials to be transported.

G. *Meeting held on Thursday, 14 January 1993, with members of the Bosnia and Herzegovina Government (Presidency)*

16. The Presidency officials greeted the Commission and the Deputy Prime Minister expressed confidence in the investigation carried out by the team. They stressed how, in their view, UNPROFOR was adopting a "tolerant approach toward the aggressors". According to the Presidency officials, UNPROFOR should take a different course of action from the present one.

17. The Commission explained the nature of its mission and mandate. It was pointed out that eventual corrective actions would be an integral part of the Commission's recommendations. The officials indicated their deep interest in the findings of the Commission and they were informed that the Commission's report would be transmitted to the Secretary-General at the end of the week. The officials insisted on a joint investigation of the assassination. The Minister of Internal Affairs told the Commission about the intention of bringing the case before a court of law of his country. He also rejected the idea of a trial conducted by the Serb authorities and observed that the assassination was an act of terrorism. The Commission pointed out that that position raised a serious matter of jurisdiction, which lay outside the scope of the terms of reference of the Commission. General Abdul Razek, Commanding Officer, Sector Sarajevo, emphasized that, contrary to recognized practice, the request had been made on an urgent basis and no identification of the officials concerned had been provided to UNPROFOR.

H. *Meeting held on Thursday, 14 January 1993, with representatives of the "Republika Srpska" (referred to hereinafter as "the Serbs")*

18. Referring to the incident, the Serbs expressed their regrets and confirmed that the killing had indeed been committed by a Serb.

19. They said that it was not yet clear whether the assassination had been committed by a civilian or a soldier. Until that point was clarified, investigations were being conducted by their civilian authorities. Those authorities were investigating the status of the murderer (civilian or military) and the circumstances under which the murder had been committed, especially whether the killing had resulted from a provocative act. The Serbs indicated that facts could not be communicated and conclusions could not be reached until they had heard both sides and seen the testimony of all witnesses. On that basis a trial could take place in accordance with Serbian laws and regulations. In answer to the Commission's question regarding those laws and the sources from which they were derived, the Serbian delegation replied that the laws were based on the Serbian Constitution inherited by the "Republika Srpska" as the legal successor of the Yugoslav Republic. In answer to the question whether the trial would be civil or military, the Serbs confirmed that, for the time being, it seemed that it would be civil, although the status of the murderer remains to be clarified.

20. The Serbian version of the facts surrounding the incident is as follows. The arrival of a Turkish delegation in Sarajevo stirred serious suspicions arising from the apprehension of the infiltration of the "mujahidins" on the side of the Bosnian Muslims. Although the Serbs were usually notified of arrivals of planes at the airport, they had not been notified of the arrival of the Turkish plane, as well as the escorting of the Deputy Prime Minister by UNPROFOR to the airport. The absence of such a notification heightened misgivings and suspicions. The checking of the UNPROFOR vehicle transporting the Deputy Prime Minister was, therefore, necessary to ascertain whether any Turkish delegation was in the vehicle with him. When the vehicle was stopped, the Serbs had requested that identification cards be presented and that the rear door of the APC be opened. UNPROFOR personnel in charge of the vehicle presented their identification cards and opened the rear door to ask the Deputy Prime Minister to present his identification. However, the latter refused to show any identification (in his case, a passport) and started shouting at and insulting the Serbs. Moreover, the Deputy Prime Minister made a movement which gave the impression that he might be pulling out a pistol. That gesture had provoked preventive action on the part of a Serb and led to the killing of the Deputy Prime Minister. The Serbs said that if Mr. Turajlic had shown his identification papers to the personnel at the checkpoint there would not have been a problem.

21. At the request of the Commission, the Serbs said that no official Serbian Commander was present and that the checkpoint was a permanent one. The Commission pointed out that, according to UNPROFOR, the checkpoint was not a permanent one and asked why the Serbs had considered it necessary to check UNPROFOR movements at that point. In that respect, the Commission referred to the agreement which had been reached between UNPROFOR and all parties concerned under which security corridors between the airport and the city should have been established under the control of UNPROFOR. The Serbs indicated that the checking was necessary in order to prevent the infiltration of "mercenaries" in the territory. They emphasized that Bosnian officials were taking advantage of UNPROFOR's mandate by requesting that they be escorted. Under such circumstances the Serbs confirmed that checking UNPROFOR was necessary.

I. *Meeting held on Thursday, 14 January 1993, with the President of Bosnia and Herzegovina*

22. The Commission expressed deep regret that the area where the incident had taken place was not yet under UNPROFOR control as had been agreed between UNPROFOR and all parties concerned, and that the request made by the Presidency to UNPROFOR to escort Bosnian officials had not been made in accordance with established procedures. The Commission recalled that, under the relevant procedure, requests to UNPROFOR should be timely and accompanied by a list identifying the Bosnian officials. That had not been done. Contrary to that procedure, the request had been made on an urgent basis and no list had been provided to UNPROFOR. The Commission specified that the absence of the required information militated against the ability of UNPROFOR to carry out its task. The Commission indicated that the cooperation extended by UNPROFOR to the Presidency required reciprocity.

23. The President commented on the incident by expressing his regret at the murder of the Deputy Prime Minister and at the fact that UNPROFOR did not, according to him, provide immediate and additional protection while the checking by the Serbs was taking place.

24. The Commission expressed regret at the negative approach that the local media had with regard to UNPROFOR's mandate and the way UNPROFOR was carrying out its difficult tasks, especially after the last incident. Despite the deeply regretted incident, the Commission stated that the Presidency and UNPROFOR should keep their good cooperation established and the population of Bosnia and Herzegovina should have a good understanding of that cooperation and of UNPROFOR's mission and labour. The media should assist in a positive way in establishing that understanding.

25. It was the view of the President that the presence of UNPROFOR was highly desirable and was fulfilling a salutary function.

J. *Meeting held on Friday, 15 January 1993, with members of the Bosnia and Herzegovina Government (Presidency)*

26. Further to the request made by the Presidency during the meeting held on 14 January 1993 that the investigation be a joint one, the Commission began the meeting by providing further clarification of the nature and purpose of its mandate.

27. The mandate of the Commission, which had to report directly to the Secretary-General, did not admit of the concept of a joint investigation.

28. Members of the Presidency indicated that, under the local laws, witnesses of UNPROFOR should be interrogated and, in the absence of such interrogation, no conclusions could be reached on the Bosnian side. There were points on which the Bosnians would need clarifications. In that respect, they indicated that several vehicles had been behind the

UNPROFOR APC in which the Deputy Prime Minister was shot, and wondered why those vehicles had left the scene shortly after the checking started.

29. The insistence of the Presidency on the conduct of a joint investigation was duly reported to Mr. M. Goulding, Under-Secretary-General for Peace-keeping Operations, in a facsimile dated 15 January 1993 (see attachment I; Mr. Goulding replied that he approved the line taken by the Special Commission).

30. Notwithstanding all the efforts made by the Commission to convince the members of the Presidency, they firmly maintained their position.

Attachment I

Facsimile dated 15 January 1993 from the Co-Chairmen of the Commission of Inquiry addressed to Mr. M. Goulding, Under-Secretary-General for Peace-keeping Operations

For your information, during the course of our discussions today with the Presidency of Bosnia and Herzegovina, the Minister of Interior was very insistent that our deliberations as a Commission of Inquiry be conducted jointly with the Presidency. The implications of this request were that they would wish to interrogate UNPROFOR witnesses with regard to the incident. We pointed out that the terms of reference of the Commission did not admit of a concept of a joint inquiry. Nor could we share with them the findings and conclusions of the Commission, which have to be submitted in a report directly to the Secretary-General. Nevertheless, they kept on insisting on the concept of a joint Commission and we reassured them that their position will be duly conveyed to the Secretary-General. However, the concept of a joint Commission continued to be the main subject of the discussion. I brought to their attention the United Nations practice in the context of board of inquiry, which involves security of United Nations personnel. Nevertheless the Minister of Interior maintained his position that the Commission should be a joint one and at this point we advised that the Presidency could convey its position directly to the Secretary-General through the Permanent Representative of Bosnia and Herzegovina, New York. The Minister of Interior stated that this was his intention. We found it necessary to bring the above to your attention the soonest.

APPENDIX IV

Memorandum dated 14 January 1993 from Colonel Patrice Sartre, Commanding Officer, French Battalion 2, concerning the assassination of Mr. Hakija Turajlic at the Serbian Nedarici checkpoint

1. On 8 January 1993, at 1831 hours, Mr. Hakija Turajlic, Deputy Prime Minister of Bosnia and Herzegovina, was shot by a Serbian soldier inside the UNPROFOR vehicle that was transporting him and was blocked at a Serbian checkpoint. The present memorandum reports the circumstances of and the reasons behind this dramatic incident.

1. *Statement of the facts*

2. Before the beginning of the incident, French Battalion 2 did not receive any information about the travel of any Bosnian officials or Turkish delegation in its area of responsibility. Having noticed the presence of a Turkish C130 on the aeroplane parking, the French Battalion 2 Commanding Officer sent his Intelligence Officer and a Military Police in order to inform him about the content and the passengers of the aircraft.

3. Around 1630 hours, the French Battalion 2 Operations Room could hear through the radio net IC (HQ company net), that a headquarters Sarajevo company's APC had been blocked at the Serbian Nedarici checkpoint, because of its passenger who was not able to present a regular pass or United Nations identification card. This kind of incident is rather frequent in Sarajevo.

4. Listening to the net, French Battalion 2 realized that headquarters was aware of the situation and already handling it. For this reason, French Battalion 2 was only listening carefully to the radio net so long as it was reported (1645) that one of its APCs was blocked at the same checkpoint, and the Serbs were intending to arrest one Muslim member of the local staff of the battalion although he had a regular United Nations identification card. Then the French Battalion 2 Commanding Officer went to the place (1710) and secured the departure of his APC and the local staff member. He secured as well the departure of two United Kingdom APCs blocked because of their Muslim passengers (UNHCR drivers) and finally the departure of two Ukrainian APCs.

5. At this moment, the Serbian Liaison Officer in the Sarajevo headquarters, sent on the spot to try to handle the case, had already left, and the French Battalion 2 Commanding Officer, knowing nothing about the APC passenger's identity and about his right to be transported by the United Nations, was facing 2 "Famos" APCs and about 50 soldiers carrying RPGs, Kalachnikovs and various automatic weapons. These men informed the Commanding Officer that the passenger was Mr. Hakija Turajlic, the Deputy Prime Minister of Bosnia and Herzegovina and that he was coming back from the airport where he had met a Turkish delegation that had arrived by a UNHCR plane. Afterwards the information turned out to be correct. They added that 60 mujahidin had disembarked from the aeroplane and entered the city; this was fanciful information.

6. The French Battalion 2 Commanding Officer noticed that the APC crew was composed of only one sergeant and two soldiers. He then understood how dangerous the situation was and decided to stay on the spot. He transmitted the situation to the French Battalion 2 Operations Room, to be reported to headquarters, and asked for a higher-level action in order to secure the release of the headquarters company APC.

7. Simultaneously he tried to have a local negotiation. Although he personally knew all the local commanders present at the checkpoint (the commanders of the Ilidza Brigade, of the Nedarici and Airport Settlement Battalions) the talks quickly became very difficult. The Commanding Officer was accused of having helped in the transportation of the Turks into the city. When the Ilidza Brigade Commander stated he would take the Deputy Prime Minister by force, the Commanding Officer took his gun out, armed it, went to and stood in front of the APC rear entrance; he placed his interpreter inside a light armoured vehicle, under his driver's protection, and requested the Serbian soldiers to move backwards from the APC, targeting them. They did and formed, several metres away, a semicircle with two RPGs and five Kalachnikovs aimed at the Commanding Officer. The tension remained very high for about 20 minutes but, in this unpleasant situation, the talks went on and the Commanding Officer remained in radio liaison with the French Battalion 2 Operations Room so that it could inform him about the negotiations at the higher level.

8. When the French Battalion 2 Commanding Officer realized that the decision to let the Deputy Prime Minister go had been got at this level, the Ilidza Brigade Commander agreed not to take the Minister and to wait for orders. The Serbian weapons were lowered and the Commanding Officer put his gun back in its holster. But the Brigade Commander could not be brought into contact with his own commanders, because of his lack of radio means. The French Battalion 2 Commanding Officer then ordered (1827) that a radio vehicle be sent to the Serbian Corps in Lukavica, in order to provide communications for the Serbian chain of command. At the same time he proposed to the Ilidza Brigade Commander to close the APC's door. At that very moment two very upset Serbian soldiers tried to pull the Commanding Officer away from the entrance. The Serbian commanders stopped them. One of them, realizing that he would not succeed, stepped back, held a gun of large calibre and shot, above the Commanding Officer's shoulder, at Mr. Hakija Turajlic, crouching in the front part of the APC. Pulled back by his comrades, he got away and again fired several bullets (1831), the commanders shouting "No, no! Stop, stop!"

9. Obviously frightened by what had just happened, the Serbian commanders immediately opened the road in order to allow the medevac. The French Battalion 2 Commanding Officer drove the man to the headquarters Military Hospital, where he was pronounced dead.

2. *Reasons for the incident*

10. The main reason for the incident was a botched design of the transportation of the high-level politician, without clearance, without an escort and without any information from the authorities supposed to be in charge of the preparation and the protection of such a movement. This lack of preparation directly created the crisis situation, depriving the relevant personnel of the information and the means to handle it. The airport commander had not been informed about the arrival of the Bosnian politician, nor had the French Battalion 2 Commanding Officer been informed about this travel through his area of responsibility. Even the duty officer in headquarters Sarajevo was not aware of the identity of the passenger.

11. The second reason for the incident was the lack of the Serbian commanders' control over their soldiers made upset by the presence of the Turkish aeroplane at the airport. A meeting, at the airport, between the Bosnian Government and any official from a Muslim country has constantly been seen by the Serbs as a violation of the 5 June agreement, and it probably is.

12. Then the last reason was the unexpected act of a hotheaded soldier realizing he would lose the passenger of the APC.

13. The murder could have been avoided if the APC's door had been closed. It had been opened before the Commanding Officer's arrival in order to allow the Serbian liaison officer to identify Mr. Turajlic and to talk with him. The Serbs did not allow it to be closed after his departure.

14. When he arrived on the spot, the French Battalion 2 Commanding Officer did not know who the man inside the APC was and he began to take care of the local staff he knew: airport heating system workers and UNHCR drivers. When he was informed (by the Serbs) about the identity of the Deputy Prime Minister, he had already sent away all the other APCs and the most important thing was not to increase the tension; he did not agree to get any reinforcement proposed by the French Battalion Commanding Officer because, although his main purpose was not to allow the Serbs to take Mr. Hakija Turajlic, his main concern was to avoid a battle between United Nations and Serbian forces that would have probably killed at the same time the passenger and his guards.

15. In conclusion, the French Battalion 2 Commanding Officer considers that the murder was the result of an unexpected action of an uncontrolled soldier, carried out because of the bad and tense atmosphere created by the presence of the Turkish aeroplane and made possible because of such a non-professional preparation of a high-level politician's travel.

APPENDIX V

Summary of interviews with the crew of the APC involved in the incident

1. The Commission had decided to concentrate the questioning so as to clarify:

(*a*) If there had been an identifiable commander at the Serb checkpoint when the incident occurred;

(*b*) If the Deputy Prime Minister had showed his identification papers;

(*c*) If his reaction and conduct could be accurately described;

(*d*) By whom and when the back doors of the APC had been opened;

(*e*) If and how movement of the APC had been blocked;

(*f*) If other tactical options had been considered.

A. *Sergeant Cerea NCO in charge of the APC*

2. Sergeant Cerea said that there had been no obvious checkpoint Commander when the APC had been stopped and the incident occurred. The French crew, in accordance with their standing operating procedure, showed their identification to the Serbian personnel at the checkpoint but the passenger, the Deputy Prime Minister, had refused to show any form of identification. Nor was the Sergeant aware of his identity as he had received no list of officials prior to departure. When the APC stopped, Sergeant Cerea had dismounted and opened the rear door to permit identification of the personnel inside. The Sergeant had instructed the soldier inside the APC to close and lock the doors immediately after he had shown his identification card. That had been done. Sergeant Cerea, being outside the APC at that stage, had not been in a position to comment on Mr. Turajlic's reaction inside the APC. The doors remained locked until the arrival of the Serbian Liaison Officer, who was dispatched from the Sector Sarajevo headquarters (PTT building) following a radio report from Sergeant Cerea to Operations PTT building. On his arrival, the Serbian Liaison Officer was allowed access to the APC and the doors were relocked behind him. He stayed inside the APC for approximately five minutes. When the soldier inside had opened the door to allow the Liaison Officer out of the APC, the large crowd which had congregated prevented the doors from being reclosed and the crowd immediately surrounded the Liaison Officer. Sergeant Cerea related that the Liaison Officer had a discussion primarily with four men, one of whom, he said, was very agitated. Sergeant Cerea also confirmed that, under the threat of anti-tank weapons, the contents of some packages belonging to Mr. Turajlic which were in the back of the APC had been searched. They were found to contain some cigarettes.

3. It was at that stage that Colonel Sartre, Commanding Officer French Battalion 2, arrived at the rear of the APC with Sergeant Cerea. Mr. Turajlic and the soldier were in the rear.

4. Sergeant Cerea said the crowd was not aware of Mr. Turajlic's identity and he heard the word "Turkish" emanating repeatedly from the crowd. He himself could not confirm whether the passenger (Mr. Turajlic) carried any identification papers; nor was he aware of the passenger's identity until his return to base after the incident.

5. When asked if it would have been possible to withdraw from the scene of the incident at any stage, Sergeant Cerea said that initially his APC had been blocked from the rear by six or seven United Nations vehicles, including two United Kingdom and two Ukrainian APCs. When those vehicles were permitted to pass through the checkpoint, Sergeant Cerea found that his APC had been blocked from the rear by a Serbian APC.

B. *Private (First Class) Greener - soldier in rear of APC*

6. Private Greener was the soldier positioned inside the APC. As such he was not aware if there was a checkpoint Commander. He was not aware of the identity of the person they were transporting. He said that the passenger became very agitated as soon as he realized that they might be stopped at the checkpoint. After the APC was stopped the Sergeant in charge (Sergeant Cerea) came to the back door and asked Private Greener to open the door to show his identification card to the Serbian soldiers. He did so and he told the Sergeant that the passenger refused to show his identification. Private Greener then closed the doors and all windows and hatches. He emphasized that the passenger was by then extremely distressed and was eventually moved to tears.

7. When the Serbian Liaison Officer arrived he was admitted into the APC and Private Greener relocked the doors. The Liaison Officer remained in the APC for about five minutes and as the conversation with the passenger was in "Yugoslavian", the soldier did not know what was said. He saw that the passenger presented his passport to the Liaison Officer. Private Greener said that, when the Liaison Officer wanted to depart, he reopened the door. Suddenly both rear doors were pulled open by the crowd. He immediately brought his weapon to the shoulder and warned the crowd to back off. They insisted on examining the boxes inside the APC. Initially, Private Greener refused to allow them to do so but they were subsequently searched and some cigarettes were found.

8. About 15 minutes thereafter the French Battalion Commander (Colonel Sartre) arrived on the scene. Private Greener related that the people outside the vehicle were very agitated. The situation was very grave and he could not observe any blue helmets in the vicinity. He felt isolated and in danger of being killed. The United Nations vehicles which had earlier been present had driven away and there seemed to be no reinforcements arriving. He said that the identity of the passenger was not known to him until he returned to base. He also said that, despite the passenger's agitation, he did not make any movements or say anything to insult anyone.

C. *Private (First Class) Delberg - driver of APC*

9. Private Delberg related that, owing to his position in the front of the APC and separate from the passenger compartment, he was only partly aware of the activities in the back. He said that the checkpoint was well manned, with approximately 30 persons, from the beginning and that he was blocked and could not drive away or pull out.

APPENDIX VI

UNPROFOR Military Police report dated 14 January 1993 on the murder of Mr. Hakija Turajlic

1. On 8 January 1993, our office was informed by the medical team that a man was in the hospital. He was killed by bullets. It was 1930 hours when we were informed.

2. An investigation commenced immediately by the undersigned.

3. The Military Police Platoon Commander was informed immediately.

4. The following appear to be the facts:

(*a*) On 8 January 1993, three French soldiers had to escort six persons from the Presidency to the airport;

(*b*) After arriving at the airport, they had to wait for the landing of a Turkish aircraft at 1510 hours;

(*c*) Five persons went on board the plane and one man stayed: Mr. Hakija Turajlic;

(*d*) This man put a lot of packets in the APC and asked the Commander to go to the PTT building because a car was waiting for him;

(*e*) After 300 metres the APC was stopped by a soft-skinned armoured vehicle from the Serbian side army. There were approximately 15 Serbian soldiers and they asked to check the identity of the passengers;

(*f*) The civilian passenger refused to give his passport;

(*g*) At 1645 hours, Colonel Sartre was informed that one of his APCs was also blocked on the road;

(*h*) At 1710 hours Colonel Sartre succeeded in evacuating the United Kingdom and Ukrainian vehicles and also one of his APCs was blocked by the Serbian soldiers;

(*i*) The intervention of Colonel Sartre was first of all to quiet down the Serbian soldiers who now numbered about 50;

(*j*) At 1700 hours, the Serbian Liaison Officer went to the checkpoint. After a brief discussion with the Deputy Prime Minister, the Liaison Officer came back to PTT, to take the admission paper for the passenger;

(*k*) It was when he arrived on the spot and after the departure of the other vehicles that Colonel Sartre was informed about the passenger's identity;

(*l*) After the Serbians' threat, he took his gun and went in front of the back APC;

(*m*) After many words, the Serbians moved back and the tension grew higher;

(*n*) The permission for the Deputy Prime Minister to go on was given. On the other hand, the Serbian soldiers could not have any liaison with their headquarters;

(*o*) At 1830 hours two Serbians from militia tried to push Colonel Sartre. Another Serbian officer tried to keep them away but one of them took his gun and shot several times on the Deputy Prime Minister;

(*p*) In spite of the intervention of the Serbian officer, the man shot again on the passenger;

(*q*) The Serbian forces were shocked by this act and allowed the APC to go to the hospital. First aid was administered by First Class Greener;

(*r*) When they arrived in the hospital, the Deputy died;

(*s*) In the hospital pictures were taken. The local police and forensic pathologist arrived at 2230 hours and Dr. Ililas examined the corpse;

(*t*) Three bullets were discovered and seized by the local police;

(*u*) With the local police we examined the APC and seized two bullets in the door of the engine;

(*v*) We checked the clothes and the wallet with the local police and there was no identification card or passport in the wallet of the Deputy;

(*w*) On 8 January 1993, Captain Lordon and Sergeant Lacaille and the undersigned went to the press conference with General Morillon and Colonel Sartre. The Colonel was interrogated after by the Military Police. At two o'clock in the afternoon, Sergeant Cerea and First Class Greener were also interrogated by Military Police.

Establishment and measurements

5. On 9 January the local police, represented by Mr. Petar Petric, Director of Criminal Investigation, gave us a lot of pictures of Serbian people to present those to the French soldiers. The photographs given by the local police were shown to the APC crew, but without

any results The photos from the local police were also shown to Colonel Sartre in an attempt to identify the shooter but without any results

6. On 10 January 1993, the Military Police Commander gave the copy of Colonel Sartre's statement to the local police The packets which were in the APC were checked In two different boxes local police seized two cartridge cases The calibre is 9 mm and on the base of the cartridge case there is writing in the Cyrillic alphabet

7. On 11 January 1993, the Military Police Commander gave copies of the statements of the three French soldiers, but without identity

8. With Sergeant Lacaille, I went to the spot to take pictures of the scene and to try to find with a metal detector some cartridge cases which could confirm the fact that the two cartridges that were seized by the police are the same as those near the APC's location On the road 8 cartridges and 1 cartridge case were found Two Serbian military policemen were on the spot when we arrived

9. Statements were obtained from

Colonel Sartre
Sergeant Cerea
First Class Greener
First Class Delberg

10. There are some details which are not clear for now

(*a*) At what time the APC's door was opened,

(*b*) Nobody can explain how the passport was in the hands of the Serbian soldier,

(*c*) It could be useful for us to have the statement of the Serbian Liaison Officer who was on the spot

11. This concludes my report

(*Signed*) S Sergeant SERRIER
Military Police Platoon Leader
Sarajevo

DOCUMENT S/25131[*]

Letter dated 20 January 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*20 January 1993*]

We are in receipt of your letter to the President of the Security Council of 18 January 1993, which we received late on 19 January 1993. We were surprised by the letter, as the presidential statement of 8 January 1993 [*S/25079*] explicitly requests a report and not a letter with excerpted conclusions. Therefore, we must seriously evaluate the basis for a letter releasing conclusions of the investigation without the supporting evidence. We find this to be unusual at the very least.

We must add that, while your letter includes some detail on the difficulties encountered by the United Nations Protection Force (UNPROFOR) in escorting members of the Presidency of the Government of Bosnia and Herzegovina, its conclusion on the assassination itself is entirely unsupported. We hope that publication of the full report will shed light on the situation in a clear manner, to which we can respond appropriately.

The leadership of Serbian occupation forces was informed of the presence of Mr. Turajlic in the armoured personnel carrier during the two hours before the assassination, and had ample opportunity to communicate its instructions to forces at the scene. The Serbian leadership was certainly in a position to order that Mr. Turajlic not be harmed, had that in fact been their intention. On the contrary, Serbian forces insisted on opening the door of the armoured personnel carrier and, once it was opened, made use of the opportunity to kill the Deputy Prime Minister.

It strains credibility to accept that this entire sequence of events, involving several levels of Serbian leadership, was the act of one soldier acting alone. At the very least, the Serbian leadership is guilty of criminal complicity in the killing.

We look forward to the publication of the full report of the Special Commission of Inquiry, and hope that this report will shed more light on the behaviour of Serbian occupation forces. We will at such time give a response to the conclusions presented therein.

May I ask your kind assistance in circulating the present letter as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina to
the United Nations

DOCUMENT S/25133

Letter dated 20 January 1993 from the representative of Singapore to the President of the Security Council

[*Original: English*]
[*21 January 1993*]

On behalf of the Permanent Representatives to the United Nations of the States members of the Association of South-East Asian Nations (ASEAN), I have the honour to transmit to you herewith the text of a statement by the ASEAN Ministers for Foreign Affairs on the holding of a presidential election in Cambodia issued on 15 January 1993.

I would be grateful if you could arrange to have the present statement circulated as a document of the Security Council.

(*Signed*) CHEW Tai Soo
Permanent Representative of
Singapore to the United Nations

TEXT OF THE STATEMENT

1. We, the Ministers for Foreign Affairs of the Association of South-East Asian Nations, view with deep concern the current impasse in the Cambodian peace process.

2. We are particularly concerned over the intensified military activities in violation of the cease-fire arrangements and the increasing incidents of political harassment, intimidation and even assassinations perpetrated against personalities and political workers of especially the Front uni national pour un Cambodge indépendent, neutre, pacifique et coopératif (FUNCINPEC) and the Khmer People's National Liberation Front (KPNLF), which could eventually lead to renewed large-scale fighting in Cambodia. We are also gravely concerned over the recent spate of killings of residents of Vietnamese origin. We call on all Cambodian parties to cooperate with the United Nations Transitional Authority in Cambodia (UNTAC) and to contribute to ensuring a peaceful and neutral political environment so that there can be free and fair elections as stipulated in the Paris peace agreements [*see S/23177*].

3. We welcome and fully support His Royal Highness Prince Norodom Sihanouk's announcement of 8 January 1993 that he is ready to be a candidate in a presidential election to be held in April or May 1993. We believe that Prince Sihanouk will be able to play a pivotal role in bringing about national reconciliation among all Cambodians, which is essential if genuine and lasting peace in Cambodia is to be attained.

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[*] Circulated under the double symbol A/47/872-S/25131.

4. We are of the view that Cambodia needs political stability prior to and after the general elections of the members of the Constituent Assembly scheduled to be held in May 1993. An elected President would facilitate the conduct of the general elections and would also provide an anchor of stability in the period after the general elections. He would effectively serve as the unifying force of the country pending the completion of the drafting of the new Cambodian Constitution and the establishment of a new Cambodian Government. We believe that such a presidential election would help to reinforce the overall peace process and overcome the present impasse in the implementation of the Paris peace agreements. We therefore strongly urge all the Cambodian parties to agree to the holding of a presidential election.

5. We call on all the Cambodian parties to cooperate in the spirit of national reconciliation and to exercise self-restraint in order to prevent the situation from deteriorating any further. We also call on all the Cambodian parties to comply with their obligations under the Paris peace agreements. They should ensure the safety of UNTAC personnel who are performing their duties. In particular, we call on the Party of Democratic Kampuchea (Khmer Rouge) to comply fully with all its obligations under the Paris peace agreements.

DOCUMENT S/25134*

Letter dated 19 January 1993 from the representative of Guatemala to the Secretary-General

[*Original: Spanish*]
[*21 January 1993*]

I have the honour to transmit to you herewith a copy of the document entitled "Proposal for the immediate signing of the agreement on a firm and lasting peace in Guatemala", the original of which was personally delivered to you today by the President of the Republic of Guatemala, Mr. Jorge Antonio Serrano Elías.

In that document, the Government of Guatemala proposes to the Unidad Revolucionaria Nacional Guatemalteca, on the basis of the understandings reached, that the Total Agreement on a Firm and Lasting Peace Ending the Internal Armed Conflict should be signed within a period not exceeding 90 days from the signing of the Human Rights Agreement, which the Government is prepared to sign immediately, including provisions on immediate verification. The Government further proposes that, in the unlikely event that the said Agreement cannot be signed, a definitive cease-fire should be declared upon the expiry of the afore-mentioned 90-day period.

I should be grateful if you would have this note and the annex hereto circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Julio Armando MARTINI HERRERA
Permanent Representative
of Guatemala to the United Nations

ANNEX

Proposal for the immediate signing of the agreement on a firm and lasting peace in Guatemala

(*19 January 1993*)

> Peace is not just the absence of war, but the creation of a set of conditions which will allow man to live without fear or anxiety.
>
> Jorge Serrano Elías

I. BACKGROUND

In August 1987, when the Esquipulas II agreements [*S/19085, annex*] were signed, the people of Guatemala began to hope for an end to the internal armed conflict, which had begun more than 33 years before.

After the signing of the Oslo Agreement on 30 March 1990 [*S/21931, annex III*], all the various groups in the country, without exception, held talks with the Unidad Revolucionaria Nacional Guatemalteca (URNG) and, on 24 April 1991, talks began between the Government and URNG with a view to reaching agreements that could put an end to the conflict.

The young Guatemalan democracy faced, with dignity and diligence, its responsibility for achieving peace by political and civilized means, while striving to put aside the traditional postures of polarization and confrontation. That effort was embodied in the Esquipulas, Oslo, El Escorial, Querétaro and Mexico City agreements, as was made clear at the many meetings in Ottawa, Quito, Metepec, Atlixco, Cuernavaca, Queretaro and Mexico City, in which Guatemala participated in a conciliatory spirit.

II. BASIC CONSIDERATIONS

The Government of Guatemala, with the support of broad segments of society and a cross-section of the country's leaders, is putting forward a proposal which could bring about the end of the internal armed conflict.

The Government is making this final proposal because URNG has stated publicly that (a) its greatest interest is the "immediate verification" of the human rights agreements, on which basic understandings already exist, and (b) the Government's acceptance would expedite the discussion of the remainder of the agenda, on the basis of the "comprehensive documents" submitted by both parties.

The Government hopes that URNG will accept this proposal. Otherwise, it would be clear that the insurgency regards the negotiations as a "fighting strategy" and, accordingly, is not genuinely interested in their outcome.

The Government recognizes that, as experts have stated, the internal armed conflict is the major source of human rights violations in Guatemala, and that verification is extremely difficult so long as that confrontation persists.

III. PROPOSAL

The Government, aware of the progress achieved in Guatemala in the area of human rights and wishing to give further proof of its commitment and determination, decides to agree to the immediate verification of the human rights agreements. However, in order to prevent this action from being used by URNG as a means for its international political struggle and to enable the Government's flexibility to be of real assistance in bringing the internal armed conflict to a definitive end, proposes:

(1) That, based on the understandings that have been reached and of which the Conciliator, Monsignor Rodolfo Quezada Toruño, and the Observer, Mr. Jean Arnault, Representative of the Secretary-General of the United Nations, are fully aware, the Human Rights Agreement, including provisions on immediate verification, should be signed immediately;

(2) That, as soon as the Government of Guatemala guarantees the fulfilment of this proposal, URNG should undertake to expedite the negotiations by taking part in a permanent meeting within the framework of the Oslo, Mexico City and Queretaro agreements, so that, within a period of no more than 90 days after the signing of the Human Rights Agreement, the Total Agreement on a Firm and Lasting Peace Ending the Internal Armed Conflict, which would end the internal armed conflict, can be signed;

(3) In the unlikely event that a definitive agreement cannot be reached within 90 days, and in order to provide guarantees to the people of Guatemala and the international community, the Government and URNG should pledge immediately:

3.1 To declare a definitive cease-fire upon the expiry of the aforementioned 90-day period;

3.2 In order to make the foregoing possible, the Government shall determine the places where, under United Nations supervision, URNG should temporarily concentrate all its armed contingents until the negotiations are completed, a definitive peace agreement is reached and the final procedures are established for the demobilization and disarmament of URNG and its integration into the legal and institutional life of Guatemala;

3.3 In order to carry out the operation referred to in the preceding paragraph, the Secretary-General of the United Nations would be requested to propose the appropriate procedures.

This proposal for reconciliation is in keeping with the desire and profound aspiration of the people of Guatemala to live in peace and thus achieve full economic and social development that would ensure the well-being of all Guatemalans, the Government of Guatemala requests the United Nations and the countries interested in finding a solution to this conflict to lend their solidarity and support for the achievement of that goal.

This proposal, which has received the broadest possible support from the people of Guatemala, is submitted with optimism and faith in God, and in the conviction that peace is not limited to a cease-fire alone and that it is the Government's responsibility, with the support of the international community, to reunify and reconcile the Guatemalan family.

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*Circulated under the double symbol A/47/873-S/25134.

DOCUMENT S/25135

Letter dated 21 December 1992 from the President of the Governing Council of the United Nations Compensation Commission to the President of the Security Council

[*Original: English*]
[*19 January 1993*]

I have the honour to transmit herewith, for the attention of the Security Council, the following information on the eighth session of the Governing Council of the United Nations Compensation Commission, held from 14 to 18 December 1992.

At its 31st plenary meeting held on 18 December, the Governing Council adopted the following decisions:

(*a*) Decision No. 14 on the establishment of the United Nations Compensation Commission Committee on Administrative Matters;

(*b*) Decision No. 15 on compensation for business losses resulting from Iraq's unlawful invasion and occupation of Kuwait where the trade embargo and related measures were also a cause;

(*c*) Decision No. 16 on awards of interest.

The texts of the decisions are enclosed herewith.

With respect to item 9 of the agenda (Priority of payment of claims), the Governing Council agreed on the text of a declaration that was read out by the President at the 31st plenary meeting of the Council. The text of the declaration is also attached.

Representatives of Kuwait and Iraq were authorized to address the Governing Council at its 30th plenary meeting, held on 14 December 1992 in accordance with paragraph 5 of the Guidelines for the Conduct of the Work of the Governing Council.

The Executive Secretary informed the Governing Council, *inter alia*, of the receipt by the secretariat, as of 14 December 1992, of more than 380,000 claims in categories A, B and C, submitted through Governments.

The next session of the Governing Council will take place from 29 March to 2 April 1993.

(*Signed*) Alex REYN
President
Governing Council
United Nations Compensation Commission

ANNEX I

Decision No. 14

Establishment of the United Nations Compensation Commission Committee on Administrative Matters

The Governing Council decides to establish a Governing Council Committee called "the United Nations Compensation Commission Committee on Administrative Matters" (CAM). CAM will be composed of Geneva representatives (or their designees) of interested States members of the Governing Council. The President of the Governing Council or his designee will be Chairman of CAM. CAM will meet informally whenever deemed appropriate by the Chairman or by the Executive Secretary. CAM will review and provide guidance on major administrative and budgetary matters presented to it by the Executive Secretary, including the annual administrative budget. The Governing Council retains authority to make all decisions concerning the payment of claims.

ANNEX II

Decision No. 15

Compensation for business losses resulting from Iraq's unlawful invasion and occupation of Kuwait where the trade embargo and related measures were also a cause

1. Paragraph 16 of Security Council resolution 687 (1991) reaffirms "that Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait".

2. In paragraph 6 of its decision No. 9 on propositions and conclusions on compensation for business losses [*see S/24589, annex I*] hereinafter referred to as decision No. 9, the Governing Council set out guidelines for awarding compensation for business losses caused by Iraq's unlawful invasion and occupation of Kuwait where the trade embargo and related measures were also a cause, and undertook to provide further guidance on the matter.

3. The two essential elements of admissible losses are (*a*) that such losses must be the result of Iraq's unlawful invasion and occupation of Kuwait and (*b*) that the causal link must be direct. Although the United Nations trade embargo was imposed in response to Iraq's invasion and occupation of Kuwait, losses suffered solely as a result of that embargo are not considered eligible for compensation because the causal link between the invasion and the loss is not sufficiently direct.

4. The terms of contracts, and transactions that have been part of a business practice or course of dealing, as well as the relevant circumstances will need to be examined by Commissioners to determine whether related claims fall within the scope of the Compensation Commission.

5. In all cases, Commissioners will require evidence that claims fall within the criteria of direct loss as set out in paragraph 16 of resolution 687 (1991) in order for them to be eligible for compensation by the Compensation Fund. It will not be enough for claimants to argue that losses were due to the chaotic economic situation following Iraq's unlawful invasion and occupation of Kuwait. There will be a need for detailed factual descriptions of the circumstances of the claimed loss, damage or injury.

6. In its decisions Nos. 1 [*see S/22885, annex II*] and 7 [*S/23765, annex*], the Governing Council decided that compensation payments would be available with respect to any direct loss suffered as a result of:

(*a*) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;

(*b*) Departure from or inability to leave Iraq or Kuwait (or a decision not to return) during that period;

(*c*) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during that period in connection with the invasion or occupation;

(*d*) The breakdown of civil order in Kuwait or Iraq during that period; or

(*e*) Hostage-taking or other illegal detention.

These guidelines are not intended to be exhaustive. There will be other situations where evidence can be produced showing that claims are for direct loss, damage or injury as a result of Iraq's unlawful invasion and occupation of Kuwait.

7. Commissioners will wish to apply relevant valuation methods to different categories of loss. Paragraph 15 of decision No. 9 shows various valuation methods for tangible assets depending on the type of asset and the circumstances of the case. Paragraph 18 of decision No. 9 shows various valuation methods for losses relating to income-producing properties. When compensation for losses of future earnings and profits is assessed, documentary evidence such as a contract should be presented wherever possible, and where no contract existed, other evidence should be submitted to enable losses of future earnings to be calculated with reasonable certainty. Such evidence should wherever possible be broadly equivalent to contracts that were in existence, or prove that such contracts or projections of future trading patterns existed. Paragraph 17 of decision No. 9 states that, in the case of a business which has been, or could have been, rebuilt and resumed, compensation would be awarded for the loss from cessation of trading to the time when trading was, or could have been, resumed. In the case of a business or course of trading which it was not possible to resume, the Commissioners would need to calculate a time-limit for compensation for future earnings and profits, taking into account the claimant's duty to mitigate the loss wherever possible.

8. This paper does not address the issues arising from claimants' attempts to avail themselves of particular sources of recovery, such as to claim against the other party to a contract.

Commentary on paragraph 6 of decision No. 9

9. The first four sentences of paragraph 6 of decision No. 9 are now considered in turn. The object is to provide further guidance for Commissioners when they assess claims in respect of business losses of individuals, corporations and other entities. The guidance is also intended to help claimants in presenting their claims. It will be for Commissioners to draw

on the principles in this guidance when making their judgements on actual cases which will stand or fall according to their specific factual and legal situations.

> "The trade embargo and related measures, and the economic situation caused thereby, will not be accepted as the basis for compensation."

(*a*) The practical effect of this statement is that any loss, damage, or injury resulting solely from the trade embargo and related measures, and the economic situation caused thereby, is not eligible for compensation. The trade embargo and related measures are the prohibitions in Security Council resolution 661 (1990) and relevant subsequent resolutions and the measures taken by States in anticipation thereof and pursuant thereto, such as the freezing of assets by Governments. The trade embargo against Kuwait was applied from 6 August 1990 to 3 April 1991 during Iraq's occupation of Kuwait. The trade embargo against Iraq was also applied from 6 August 1990 and is still in force.

(*b*) "The economic situation caused thereby" is a broader concept. The trade embargo and related measures had wider economic effects, both on international trade and on economic activity within Kuwait and Iraq. For example, the world price of oil was temporarily higher than it otherwise would have been and, in addition, countries which previously imported oil from Iraq and Kuwait had to find other sources of supply, with effects on transport and transit services and on refinery operating costs. Companies which might have expected to export goods or services to Kuwait or Iraq will have had to look for alternative markets, with potentially depressing effects both on their profits and those of their suppliers.

> "Compensation will be provided to the extent that Iraq's unlawful invasion and occupation of Kuwait constituted a cause of direct loss, damage or injury which is separate and distinct from the trade embargo and related measures."

(*a*) The practical effect of this statement is that compensation will be provided, if and to the extent that loss, damage or injury resulting directly from Iraq's unlawful invasion and occupation of Kuwait was actually suffered and would have been suffered irrespective of whether the trade embargo and related measures had been in force.

(*b*) Particularly in the case of larger and more complex claims, the Commissioners may decide that some losses listed in a claim are a direct result of Iraq's unlawful invasion and occupation of Kuwait and should be compensated and that other losses listed in the same claim resulted solely from the embargo and related measures and are therefore ineligible for compensation. In this situation partial compensation would in principle be payable.

> "Where the full extent of the loss, damage or injury arose as a direct result of Iraq's unlawful invasion and occupation of Kuwait, it should be compensated notwithstanding the fact that it may also be attributable to the trade embargo and related measures."

(*a*) This is intended to show that the full extent of a loss, damage, or injury may be attributed both to Iraq's unlawful invasion and occupation of Kuwait and to the trade embargo and related measures; they are parallel causes.

(*b*) Some cases of parallel cause loss may prove difficult to assess. There would be instances at the time of the invasion and embargo when ships diverted because it was unsafe to enter Kuwaiti or Iraqi ports. The Commissioners will need to examine closely the alleged cause of all losses after 6 August 1990 in order to determine the extent to which the loss arose as a direct result of the Iraqi invasion and occupation of Kuwait, and is therefore compensable, even though it could also be considered to have resulted from the embargo and related measures. If the Commissioners decide that a loss had such a parallel cause, full compensation would in principle be awarded.

> "The total amount of compensable losses will be reduced to the extent that those losses could reasonably have been avoided."

The duty to mitigate applies to all claims and not simply to those under discussion in paragraph 6 of decision No. 9. The subject of mitigation is referred to in paragraphs 10, 17 and 19 of decision No. 9.

10. The guidance contained in the present decision applies to all types of business losses, including losses relating to contracts, transactions that have been part of a business practice or course of dealing, tangible assets and income-producing properties.

ANNEX III

Decision No. 16

Awards of interest

The Governing Council decides that:

1. Interest will be awarded from the date the loss occurred until the date of payment, at a rate sufficient to compensate successful claimants for the loss of use of the principal amount of the award;

2. The methods of calculation and of payment of interest will be considered by the Governing Council at the appropriate time;

3. Interest will be paid after the principal amount of awards.

ANNEX IV

Declaration by the President of the Governing Council at the 31st plenary meeting

Working Group A had a useful and informative discussion of agenda item 9, Priority of payment of claims. The Group reaffirmed the principle that the clear-cut priority accorded to claimants in categories A, B and C by the Commission in decision No. 1 should be applied in every stage of processing, including the payment stage.

Working Group A confirmed its intention to develop a rational and effective system for the payment of claims as a matter of high priority and, in any case, before the Compensation Fund receives amounts sufficient to begin to pay claims.

In order to gain the necessary information for such a system, several questions were asked of States and of the secretariat.

Working Group A requests that the secretariat be asked to collect and provide this information, in so far as it may be available, and to make it available to the Governing Council at its ninth session.

DOCUMENT S/25136*

Letter dated 21 January 1993 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the Secretary-General

[*Original: English*]
[*21 January 1993*]

I have the honour, in my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to enclose herewith the text of a statement adopted by the Committee on 21 January 1993 on the deportation of Palestinian civilians from the occupied Palestinian territory, including Jerusalem, by the Israeli authorities.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Kéba Birane CISSE
Chairman
Committee on the Exercise
of the Inalienable Rights
of the Palestinian People

TEXT OF THE STATEMENT

The Committee on the Exercise of the Inalienable Rights of the Palestinian People strongly condemns the mass deportation of over 400 Palestinians from the occupied Palestinian territory by Israel, the occupying Power, on 17 December 1992. This action constitutes a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and is in violation of numerous Security Council resolutions which demand that Israel refrain from deporting any Palestinian civilian from the occupied territories and ensure the safe and immediate return of all those deported. It is also in flagrant violation of the sovereignty and territorial integrity of Lebanon and is contrary to the Charter of the United Nations and the principles of international law.

The Committee joins the international community in warning that these violations and the policy of collective punishments and continued repression in the occupied Palestinian territory being pursued by Israel pose grave dangers for security and stability in the region and for the ongoing peace process.

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*Circulated under the double symbol A/47/874-S/25136.

The Committee appreciates and supports the continuing efforts of the Secretary-General and his personal representatives to resolve this matter in accordance with Security Council resolution 799 (1992) of 18 December 1992, and notes in particular the Secretary-General's position, contained in his letter of 3 January 1993, concerning possible further steps to be taken by the Security Council. The Committee condemns Israel's persistent refusal to comply with that resolution, which demanded that Israel, the occupying Power, ensure the safe and immediate return to the occupied territories of all those deported.

The Committee notes with extreme concern that the deportees are still enduring extremely harsh conditions, exposed to winter weather and without adequate food, water and medical care. They also face the threat of possible violent actions including artillery shelling, from Israeli or Israeli-controlled forces. The Committee underlines that the Israeli Government bears exclusive and direct responsibility for this unlawful and repressive action and the resulting inhuman situation, and that it is incumbent upon the international community to do everything in its power to bring it to an end, to ensure compliance with Security Council resolution 799 (1992) and to prevent any similar illegal action by the Israeli Government in the future.

The Committee calls in particular upon the Security Council to take all necessary measures, including the application of Chapter VII of the Charter of the United Nations, to bring about the implementation of its resolution. The Committee believes that this would help to ensure the continuation of the peace process, preserve the prestige and credibility of the Security Council, and guarantee respect for international law and agreements by all, without exception.

Noting with grave concern the continuing human rights violations by Israel, the occupying Power, in the occupied Palestinian territory, particularly the increased casualties, blanket curfews and mass arrests in recent weeks, the Committee once again urgently appeals to the Security Council to take the necessary measures to provide appropriate protection to the Palestinian people in the occupied Palestinian territory, including Jerusalem, in accordance with the provisions of the fourth Geneva Convention[1] and numerous Security Council resolutions, particularly resolution 681 (1990), until a permanent, durable and just solution is found to the question of Palestine based on relevant United Nations resolutions.

DOCUMENT S/25139

Letter dated 22 January 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*22 January 1993*]

I have the honour to transmit, enclosed herewith, the letter of Mr. Dobrica Cosic, President of the Federal Republic of Yugoslavia, regarding the attack of the Croatian forces on the United Nations Protected Areas.

I should be grateful if you would have the present letter and the attachment circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 22 JANUARY 1993 FROM THE PRESIDENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

It is my duty to inform you of the armed attack of the Army of the Republic of Croatia on the territory of the Republic of Serbian Krajina, which is under the protection of the United Nations Protection Force (UNPROFOR).

Today, at 7.05 a.m., a forceful artillery preparation was launched from arms of all calibres, multiple rocket launchers and tanks, after which combined infantry and tank forces started the attack in three directions: Starigrad-Obrovac, along the ridge of the Velebit mountain; from Zadar towards Zemunik and Benkovac; and towards Maslenica-Zemunik. A strong sabotage-terrorist group infiltrated the area of Alan saddle on Velebit. Helicopters and fixed-wing aircraft of the Croatian Army are carrying out the reconnaissance of the area of operations, while new infantry and armoured-mechanized units are being brought in from the direction of Split. Artillery 130 mm ordnance, ready to strike at Knin, is deployed in the region of Pakovo Selo.

Already in the first conflicts the forces of the Republic of Serbian Krajina, resisting enemy attacks, have suffered losses. One UNPROFOR building near Maslenica has been hit.

This attack represents a flagrant violation of the Vance plan for the establishment of the United Nations Protected Areas. The attack was carried out in a way that not only violates the achieved agreement, but also directly threatens the UNPROFOR forces in the field.

Such an act seriously jeopardizes the already fragile cease-fire in this area, and threatens the flare-up of conflicts and their extension to broader areas, from the hinterland of the Republic of Serbian Krajina to the territories of the former Republic of Bosnia and Herzegovina.

The consequences of such an attack can only be extremely negative for the current efforts exerted by the participants in the Geneva Conference towards establishing a lasting and just peace in the overall territory of the former Socialist Federal Republic of Yugoslavia, and particularly in Bosnia and Herzegovina.

The Federal Republic of Yugoslavia is committed to observing the Vance plan, and that is exactly what it is doing. However, the armed attacks of the Army of the Republic of Croatia threaten the Serbian people in the Republic of Serbian Krajina, which is under the protection of UNPROFOR. The Federal Republic of Yugoslavia has both the right and duty to protect the Serbian people, which it will undoubtedly do, if UNPROFOR fails to do so.

The actions of the Army of the Republic of Croatia represent a classical example of aggressive behaviour and violation of agreements reached under the auspices of the Security Council, and therefore require the urgent action of the Security Council to halt the armed attacks, protecting the Serbian people in the Republic of Serbian Krajina and the United Nations forces, which are also exposed to these attacks.

I kindly ask you to immediately inform all members of the Security Council of this new development and to convene the Security Council, in order for it to make appropriate decisions in this respect.

Dobrica COSIC
President

DOCUMENTS S/25140 AND ADD.1

Further report of the Secretary-General on the United Nations Angola Verification Mission

DOCUMENT S/25140

[*Original: English*]
[*21 January 1993*]

INTRODUCTION

1. The present report is submitted in response to paragraph 9 of Security Council resolution 793 (1992) of 30 November 1992, which requested

the Secretary-General to submit to it by 31 January 1993 "a further report on the situation in Angola, together with his longer-term recommendations for the further role of the United Nations in the peace process, which should be clearly defined in scope and time and based on a wide degree of support in Angola."

I. POLITICAL AND MILITARY DEVELOPMENTS

2. Following Mr. Savimbi's withdrawal from Luanda to Huambo in October 1992 and the events of 31 October to 1 November 1992, there was no direct contact between the National Union for the Total Independence of Angola (UNITA) and the Government. As a result of meetings which my Special Representative had with Mr. Savimbi on 24 November 1992 and with President dos Santos the following day, agreement was reached to hold the first high-level encounter between the two sides since the last meeting of the Joint Political-Military Commission (JPMC) on 31 October 1992. The United Nations Angola Verification Mission (UNAVEM) organized this meeting in Namibe, on 26 November 1992, and provided helicopters to transport the UNITA delegation there from Huambo.

3. The meeting took place in a good atmosphere and succeeded beyond expectations. The two delegations agreed quickly on a six-point agenda, embracing the implementation of the Peace Accords for Angola [*S/22609, annex*]; the future United Nations mandate; the remodelling of JPMC; conditions for participation of UNITA deputies in the new Parliament and of UNITA members in the new Government of National Reconciliation and Unity; release of UNITA leaders held by the Government and hand-over of corpses; and the holding by UNITA of a meeting of its Political Commission. The meeting also published a joint declaration, reconfirming both sides' adherence to the Peace Accords and calling for the effective application of the cease-fire in all parts of the country, the immediate cessation of offensive movements and the extension and strengthening of UNAVEM's mandate. On the latter point, it was further agreed that both sides would submit a joint list of tasks to my Special Representative by 29 November 1992, and that they would meet again the following week to take up the other items on the agenda. I issued a statement welcoming this development, as did the Security Council in paragraph 3 of its resolution 793 (1992) of 30 November 1992, while at the same time urging the Government and UNITA "to take immediate and effective actions in accordance with the declaration".

4. This apparent breakthrough was short-lived. On 29 November 1992, UNITA troops occupied Uige, the capital of the province of the same name, as well as the neighbouring town of Negage, the site of an important air-base. During the fighting, the UNAVEM camp was caught in cross-fire and a United Nations police observer, Sergeant Adilson Barbosa Costa (Brazil) was killed. In my statement at the Security Council's informal meeting on 30 November 1992, I deeply deplored these serious violations of the Peace Accords and appealed strongly to both parties to cease hostilities and to seek a peaceful solution to the crisis through dialogue. On the same day, Mr. Savimbi telephoned my Special Representative to express regret over the observer's death and UNITA's military action in Uige and Negage, which he said had been undertaken by his commanders without his authority. He promised that UNITA would immediately withdraw from these areas, in order to try to save the process of dialogue begun in Namibe. UNITA confirmed this intention officially to the Minister for Foreign Affairs of Angola on 1 December 1992.

5. Efforts to bring this about and restore the situation to that prevailing on 29 November 1992 consumed a significant part of UNAVEM's time and energies during the succeeding weeks. The Government rejected an initial proposal that a joint delegation of the Government, UNITA and UNAVEM, in traditional JPMC mode, should go to Uige to supervise and verify the withdrawal, insisting that UNAVEM alone should be responsible for certifying that the operation had been fully completed. UNAVEM facilitated direct communication between the two sides through its radio network and transported and accompanied senior UNITA military officers to Uige. Three visits were made there, on 4, 17 and 21 December 1992. The Government had indicated its intention to join the last two but, in the event, did not do so. General Dembo, the newly appointed Vice-President of UNITA, stayed on in the region after the last of these visits in order to supervise the withdrawal personally. A persistent problem arose from the Government's insistence that UNAVEM must guarantee that no UNITA troops remained in the two towns, an impossible task given the small strength of the UNAVEM teams monitoring the withdrawal *in situ* and the facility with which military personnel could disguise themselves in civilian clothing. Eventually, on 27 December 1992, the Government sent two officers and about 200 troops of the new Angolan Armed Forces (FAA) to satisfy themselves that the withdrawal was complete and prepare for the reinstatement of government administration. Arrangements were made to count, on 31 December 1992, the UNITA troops which had withdrawn to two assembly areas nearby, with UNAVEM verifying the count, an additional government condition for resolving the crisis. At the last moment, however, UNITA refused to let this operation proceed, alleging that its troops had been attacked by FAA three times as they withdrew and that General Dembo's motorcade had been ambushed near Uige. This episode is recounted at some length to illustrate the difficulties UNAVEM has faced in getting the two sides to cooperate with it in implementing even simple local agreements.

6. Meanwhile, the situation in other parts of the country had become increasingly tense. UNITA extended its hold over more municipalities, including two provincial capitals, Caxito and N'dalatando: by 3 January 1993, before the current bout of hostilities began, it had occupied 104 municipalities, out of a total of 164, compared with 57 at the time of my last report [*S/24858*]; as of 20 January 1993, the number is 105, including another provincial capital, M'banza Congo. Meanwhile, the Government was stepping up its public criticism of UNITA, adopting harder positions and making preparations to retaliate militarily by strengthening its military and police presence in the main cities and distributing arms to civilians. Both sides exchanged accusations and counteraccusations and issued a series of documents stating their conditions for the resumption of political negotiations. In meetings with my Special Representative, President dos Santos and Mr. Savimbi continued to reiterate their commitment to peace and resumed negotiations, but their actions showed them to be on a collision course.

7. Deeply concerned about this rapidly deteriorating situation, I telephoned both leaders on 12 December to suggest that they meet, under my auspices, in Geneva during the last week of December 1992, or alternatively, in Addis Ababa. Mr. Savimbi expressed readiness to accept, but President dos Santos said that, while he was willing to meet Mr. Savimbi, this would have to be in Luanda. I informed the Security Council about this *démarche* in a letter dated 18 December 1992 [*S/24996*]. Following consultations, the President issued a statement on 22 December 1992 [*S/25002*], reiterating the Council's appeal for dialogue and respect for the Peace Accords and appealing to both leaders to accept my invitation to a joint meeting at an agreed location.

8. This appeal was not heeded. My Special Representative met with Mr. Savimbi in Huambo on 2 January 1993 and, later the same day, with the Angolan Minister for Foreign Affairs in Luanda. The suggestion emerged that a meeting take place between the top military leaders on each side. The Government also indicated its intention to proceed to a second Namibe meeting, as early as the following week, as soon as the withdrawal of UNITA troops from Uige and Negage had been verified and they had been counted in their assembly areas.

9. The next day, however, fierce armed clashes broke out in Lubango. This was an unexpected place for large-scale hostilities to erupt, as a Joint Commission of Government and UNITA representatives, formed

with the help of UNAVEM, seemed to have been successful there in defusing tensions and establishing reasonable relations between the two sides. UNITA, claiming the Government had started the fighting in Lubango, seized the FAA officers and troops who had been sent to Uige and Negage to resolve that situation. On 4 January 1993, I appealed through my spokesman to both sides to ensure that there were no further violations of the cease-fire and that the dialogue begun in Namibe was immediately restored.

10. In a meeting on 5 January 1993, President dos Santos reaffirmed to my Special Representative his commitment to resumption of the Namibe talks, provided the Uige/Negage problem could be resolved. He requested new efforts in this regard. However, Mr. Savimbi told Miss Anstee that it was impossible to get his commanders to release the FAA captives, in the light of what had happened in Lubango. The only possibility left was a meeting between military leaders to bring about a cease-fire, to be followed, immediately afterwards, by political negotiations on all the fundamental issues, including the future of UNAVEM. Both sides agreed to this two-tiered approach and efforts then concentrated on finding a mutually acceptable place. I reported these efforts in a letter to the Security Council dated 8 January 1993 [*S/25076*]. The Government preferred Luanda, but this was not acceptable to UNITA. After agreement also proved impossible on a series of other possible venues inside Angola, a compromise was agreed: Addis Ababa, under UNAVEM auspices, at the headquarters of the Economic Commission for Africa.

11. Arrangements were made by UNAVEM to hold this meeting over the weekend of 16 and 17 January 1993 but, on 14 January, UNITA modified its position, insisting that political talks must take place at the same time as the military meeting and presenting five points for discussion. This was unexpected, as Mr. Savimbi had repeatedly appealed to my Special Representative to organize the military meeting as a matter of urgency and a precursor to political talks. A promised telephone call from Mr. Savimbi to my Special Representative on 15 January never took place, and, despite repeated efforts, she has been unable to contact him since. The meeting therefore remains in suspense as of 20 January 1993. On 17 January, General "Ben-Ben", Chief of FALA [*Forças Armadas de Libertaçao de Angola*] General Staff published a communiqué, implying that further negotiations would depend on the outcome of the fighting.

12. In recent telephone conversations with Mr. Savimbi, I strongly impressed on him the need to send UNITA military representatives to Addis Ababa to discuss cease-fire arrangements and, after some consultations, Mr. Savimbi agreed to do so. Meanwhile, on 21 January 1993, the Permanent Representative of Angola hand-delivered to me a letter of the same date from President dos Santos [*see S/25155*], in which he asked me to recommend to the Security Council that UNAVEM II's mandate be extended in order to ensure full implementation of the Peace Accords. In his letter, the President emphasized that the escalation of military action throughout the country justified the need to bring UNAVEM's mandate up to date and to strengthen its presence in Angola, according to "modalities to be agreed upon". The Permanent Representative also informed me that on 19 January 1993 Minister for Foreign Affairs of Angola had sent a letter to Mr. Savimbi in which the Government asserted that it had never excluded the need for a political meeting similar to that held in Namibe and stated its acceptance of UNITA's "proposal for a political-military meeting" in Addis Ababa. The letter also listed certain basic premises for this meeting to take place. I can only hope that the reaction of Mr. Savimbi to these latest proposals will be positive.

13. The fighting which began in Lubango on 3 January 1993 spread quickly to other provincial capitals and towns, virtually throughout the country: Benguela, Lobito, Namibe, Saurimo, Luena, Kuito-Bie, Huambo, Menongue, Cuito Canavale, M'banza Congo and Soyo. While both sides claimed provocation by the other, there appeared to be a planned offensive to drive UNITA from the main cities. This plan was largely successful in the initial stages, but UNITA obtained control of Cuito Canavale and M'banza Congo and the important oil-producing centre of Soyo, in addition to Caxito and N'dalatando, which, as of 20 January 1993, the Government was still trying to recover. A fierce battle is reportedly still raging for Huambo and the situation in other cities is tense and precarious. As indicated in my report of 25 November 1992 [*S/24858*], reports persist that civilians armed by the Government have participated in the killings of thousands of UNITA supporters in Luanda and other major cities, while there are also reports of killings of government supporters and officials in the areas controlled by UNITA. These reports, as well as accounts of widespread human rights violations by both sides, further complicate the already tense political and security situation. To all intents and purposes, Angola has returned to civil war, and is probably in an even worse situation than that which prevailed before the Peace Accords were signed in May 1991. The conflict has now engulfed towns and centres of population in a way it never did during the previous 16 years. There are also disturbing but unconfirmed reports that, despite the triple zero provision in the Peace Accords, new supplies of arms may be entering Angola.

14. Meanwhile, the Government has taken measures to set up an administration reflecting the results of the legislative election held in September 1992. On 4 December 1992 a Government of National Unity, with Mr. Marcolino Moco (formerly Secretary-General of the Popular Movement for the Liberation of Angola (MPLA)) as Prime Minister, was sworn in. Of 27 ministerial and state secretary posts, one (Minister of Cultural Affairs) was offered to UNITA, together with the vice-ministerial posts of defence, agriculture, public works and social assistance. UNITA accepted these posts and nominated incumbents, but they have not assumed their functions because of concerns about their security in Luanda in the prevailing situation. One ministerial post and six lesser positions were assigned to other parties that had won seats in the Assembly. The new parliament was installed on 26 November 1992 and has had several sessions, but the 70 members from UNITA who won seats have not taken them up, again because of security concerns. In accordance with the Electoral Law, President dos Santos remains as President until the run-off election between himself and Mr. Savimbi can take place. This was supposed to happen within 30 days of the announcement of the results of the first round (i.e. by 17 November 1992) but in present circumstances it is impossible to predict whether or when the run-off election will take place.

15. The widespread fighting and the absence of Government administration in much of the countryside and renewed destruction of an already ravaged infrastructure and transport system have led to widespread hunger and the flight of large numbers of people from towns involved in the conflict, who are now hiding in the bush or have joined the already large army of internally dislocated people in Angola in make-shift refugee camps. Former refugees from abroad who had been encouraged by the peace process to return, now wish to go back to their former places of exile. An already serious humanitarian situation has become catastrophic in many areas and the capacity of international humanitarian agencies, including the World Food Programme and the Office of the United Nations High Commissioner for Refugees, to provide assistance has been severely disrupted by the conflict; it is being resumed where and whenever conditions permit.

II. ROLE AND SITUATION OF UNAVEM

16. The crisis that developed after the elections at the end of September 1992, notably the withdrawal of Mr. Savimbi to Huambo and the collapse of JPMC, thrust UNAVEM into a central mediating role. The mission has also had to provide air transport, radio and communications to facilitate negotiations between the Government and UNITA, including between military commanders in combat.

17. The representatives of the three observer countries to the Peace Accords, Portugal, the Russian Federation and the United States of America, which have special responsibilities in the peace process, continued to play an active role and have issued a number of helpful statements. But their role has inevitably been hampered by the difficulties of establishing direct contact with UNITA. Ambassador Jeffrey Davidow, the United States Deputy Assistant Secretary of State for African Affairs, visited Angola in December 1992 and met President dos Santos and Mr. Savimbi. A high-level Organization of African Unity delegation, headed by President Robert Mugabe of Zimbabwe, visited Angola in late December 1992 and had extensive discussions with President dos Santos and the Government but was not able to see Mr. Savimbi in Huambo. A subsequent visit to him by representatives of Zimbabwe and Cape Verde, planned for 8 January 1993, to issue an invitation on behalf of their Presidents to a meeting in a southern African location outside Angola, had to be cancelled at the last moment because of deteriorating security in Huambo.

18. Although UNAVEM has thus been cast, de facto, into the role of principal mediator, it too has been seriously affected by the disastrous events of the last six weeks. The suspension of dialogue after the Namibe meeting on 26 November 1992 made it impossible to get the two parties to present their joint list of tasks that they would like an enlarged UNAVEM to perform. My Special Representative accordingly submitted to them on 24 December 1992 a comprehensive discussion paper incorporating the proposals that each had put forward in their own separate papers, and proposing options for compromise in areas where their approach differed. A copy of that paper is annexed hereto. UNITA has given some comments in reply and the Government is understood to have taken a position on the UNAVEM paper but has not yet made it known to my Special Representative. In any case, it cannot be finalized without a meeting between the two parties.

19. With the outbreak of violent and widespread hostilities, and the collapse at all levels of the joint monitoring mechanisms between the two signatories to the Peace Accords, UNAVEM II's original mandate has become less and less relevant. Even its role of mediating between the parties at the national and local levels has been increasingly limited by the deteriorating security situation, which, combined with uncertainties about the future, has also made it impossible to restore the mission's full strength as proposed in paragraph 61 of my report of 25 November 1992 [*ibid.*]. As of 20 January 1993 the mission has only 247 military observers instead of 350, and 87 police observers instead of 126. The civilian electoral/political observers have also been reduced to a bare minimum of nine, by delaying the return of those who had gone on leave over the Christmas period.

20. At the same time, UNAVEM teams in the field have had to face mounting dangers. As already mentioned, a police observer has been killed in Uige and others have been wounded. UNAVEM's prefabricated tented camps are extremely vulnerable to gunfire and casualties would have been higher had the precaution not been taken of digging slit trenches, in which many observers have had to spend several days and nights consecutively. The dangers have been exacerbated by both sides' public criticism of UNAVEM, which has been held responsible for not having been able to prevent the new conflict - a charge which reveals profound misunderstanding (or deliberate distortion) of the mission's mandate and of the capacity of a handful of unarmed observers to control two large and heavily armed forces. Teams have been driven by hostile crowds from Dundo, a Government-held town, and from many UNITA locations, in one of which two United Nations military observers were badly beaten. Protests have been lodged in each case. In Lubango, a UNITA member of the Joint Commission, who had sought sanctuary in the UNAVEM camp during the fighting, was shot on the spot by government police who took away his two companions; President dos Santos later apologized personally. Similar incidents occurred in N'dalatando and Negage where UNITA abducted a government policeman and members of the joint monitoring commission from the UNAVEM camps. United Nations aircraft have been fired upon, and one helicopter was shot down in Huambo on 30 October 1992, though fortunately without loss of life; the crew was beaten by UNITA.

21. As part of its contingency planning, UNAVEM had prepared a detailed plan for the temporary redeployment or closure of some of its locations and, in the longer term, for a more general withdrawal if circumstances so dictated. In the week of 11 January 1993, however, fighting became so extensive that 45 of UNAVEM's 67 locations, including the regional command at Huambo, have had to be evacuated. This was a major logistic operation, effected mainly by air and often under risky conditions. Every effort was made to save as much equipment as possible and to disable remaining vehicles and communications equipment, but much had to be left behind and will be difficult to recover, if and when the teams return. At least 46 4x4 vehicles, 1 fork-lift truck and 1 water trailer are known to be in the hands of UNITA, many of them taken by force. Withdrawal is continuing from some of UNAVEM's remaining locations, where the situation continues to be very tense. As a result of these developments, UNAVEM can no longer monitor the course of events adequately, much less try to guide them in the direction of reconciliation and dialogue.

III. LOGISTICS, FINANCE AND ADMINISTRATION

22. The rapid withdrawal dictated by the above-mentioned circumstances from 45 locations (as of 20 January 1993) has resulted in an inventoried loss of approximately US$ 2.7 million for Weatherhaven prefabricated shelters damaged in cross-fire, left behind due to hurried withdrawal or lack of air transport or looted following UNAVEM's departure. Fifty-eight vehicles worth $894,000, 53 generators worth $387,000, a variety of communications equipment worth $688,000 and miscellaneous equipment worth $478,000 have had to be abandoned for the same reasons. Losses to date are estimated to total approximately $5.2 million. No accurate estimate of replacement values can be given without return to the sites, to retrieve worthwhile material and assess whether repair or write-off is the most cost-effective approach. It is not known whether, and if so when, this will be possible. A board of inquiry has been convened to consider these losses. A substantial increase in compensation claims for loss or damage to personal effects is also expected.

23. Abandonment of equipment was usually the result of UNAVEM'S not being able to land C-130 or other large transport aircraft which could extract the vehicles and generators, or sudden heavy fighting which threatened the UNAVEM location and obliged immediate withdrawal with vehicles only. In several places, the forces in control locally, in particular UNITA, refused permission for UNAVEM II to extract equipment. Where possible, and when the security situation permitted, major equipment left behind was disabled by the removal of essential parts.

24. UNAVEM II is currently at phase III of its security plan, with only essential personnel in the country. The security situation of UNAVEM's headquarters site in Luanda is good, but that of the 22 remaining sites still occupied by 84 personnel up-country on 20 January 1993 is a source of concern and further evacuations may be necessary. Sufficient air resources are still available and on 24-hour stand-by to extract UNAVEM II personnel from any site should it be necessary. The major problem is to obtain landing permission from the forces controlling the area in question.

25. UNAVEM continues to assist members of the international community such as the International Committee of the Red Cross (ICRC), Médecins sans Frontières (MSF) and other non-governmental organizations (NGOs), as well as other foreign nationals, to evacuate from up-country locations if time and transport facilities permit. Many

requests for such help from foreign consulates have been met, including the airlift of a large number of expatriate personnel from the dam site at Capanda when it was overrun by UNITA and the provision of air support to the search for those missing. UNAVEM's evacuation of ICRC, MSF and other personnel from places under heavy fire, such as Huambo and Kuito-Bie, almost certainly saved their lives. One United Nations military observer risked his own life in a gallant solo dash through cross-fire in Kuito to rescue MSF personnel.

IV. OBSERVATIONS

26. In spite of strenuous efforts by myself and my Special Representative, with the Security Council's support, the situation in Angola has continued to deteriorate since the adoption of resolution 793 (1992) on 30 November 1992. The civil war has resumed with all that that entails in human suffering and the further impoverishment of a potentially prosperous country. As reported above, it has been impossible for the United Nations to bring about even a cease-fire meeting between the two sides, let alone the sustained political dialogue needed to identify means of putting the peace process back on track and define an enlarged United Nations role that I could recommend to the Security Council. With great regret, therefore, I have come to the conclusion that there is no realistic prospect, in the immediate future, of UNAVEM being enlarged to fulfil the role envisaged in the discussion paper which my Special Representative made available to the two sides on 24 December 1992 (see annex).

27. If that conclusion is accepted, it is necessary to consider how far, if at all, the United Nations should involve itself in further efforts to end the civil war in Angola. It can be argued, indeed government spokesmen have argued, that, by refusing initially to accept the election results and withdrawing its generals from the new Angolan Armed Forces, as well as by its illegal occupation of large areas of the country, UNITA has removed itself from the Bicesse process and must be obliged, by force if necessary, to accept the authority of a duly elected Government. While in no way condoning UNITA's actions in defiance of agreements it has signed, I could not support such a position. What the vast majority of Angolans want, and the international community should assist them in achieving, is earliest peace in Angola and that objective will not be achieved by simply allowing the two sides to fight until one prevails or they again reach a stalemate. The varying fortunes of war have at different times made both sides reluctant to talk, but both the Government and UNITA have stated on numerous occasions that neither side can win a war. The continuing conflict could be prolonged and bloody and, in the end, inconclusive, so that the parties will have to come back to the negotiating table.

28. I accordingly believe that the international community should persist in trying to bring the two sides together, in helping them to reach agreements and in supporting, on the ground, implementation of whatever arrangements they agree on. But I would not recommend that scarce resources again be committed to a substantial field operation until each of the two sides has shown a greater readiness than heretofore to honour the commitments it has solemnly entered into. At the same time it would be necessary for the United Nations to remain more closely involved in the negotiation of arrangements for completing the peace process than it was in the case of the Peace Accords of May 1991, in order to ensure that the role envisaged for it was feasible. Otherwise the Organization might again find itself being given responsibilities which were not adequate in relation to the complexities of the task or which it would not be able in practice to discharge.

29. Against this background, the Security Council has to take, not later than 31 January 1993, a decision on the future of UNAVEM II. I have identified three possible options which are outlined in paragraph 30 below. All assume that I would continue to have a Special Representative for Angola, who would be based in Luanda with the necessary civilian, military and police staff. The Special Representative's mandate would be essentially that which Miss Anstee has been carrying out since the elections, namely to use the United Nations good offices, in cooperation with interested Member States, to help the two sides to reach agreement on modalities for completing the peace process in accordance with the Peace Accords and, meanwhile, to broker and, within the resources available, help to implement cease-fires at the national or local level. The Special Representative would continue to be in charge of all United Nations activities in connection with the peace process.

30. The three options are as follows:

Option A - To maintain UNAVEM II at its current authorized strength (350 military observers, 126 police observers, 83 international civilian staff and 155 local staff) and try to re-establish its deployment as it was immediately after the elections, by stationing military, police and/or electoral observers at 67 different locations (more or less as in the map annexed to my report of 24 June 1992 [*S/24145*]. The rationale for such deployment would be to recreate the infrastructure needed for UNAVEM II to resume immediately the functions assigned to it under the Peace Accords;

Option B - To reduce UNAVEM's provincial deployment to approximately six locations, perhaps along the lines of its current regional structure (regional headquarters at Saurimo, Luena, Mavinga, Lubango, Huambo and Luanda itself) but with adjustments to ensure that it was in the right places on the ground to support the Special Representative's peacemaking efforts. This option would require 75 military observers, 30 police observers and 49 international civilian staff;

Option C - To confine UNAVEM II's deployment to Luanda for the present but with the capability to deploy one or two outstations if it became clear that this was required to support the Special Representative's peacemaking efforts and if security permitted such deployment. This option would require 30 military observers, 6 police observers and 28 international civilian staff. Under option B or C it would be necessary to decide whether equipment surplus to the requirements of that option should be stored in Luanda, for eventual use by a relaunched UNAVEM operation, or transferred now to other peace-keeping operations, notably the United Nations Operations in Mozambique (UNOMOZ).

31. In evaluating these options, the Security Council will wish to bear in mind that, as of 20 January 1993, UNAVEM II had been forced by the fighting to evacuate 45 of its locations, with the loss of 1 helicopter (damaged by cross-fire on the ground), 58 vehicles and much other equipment destroyed, stolen or looted. In the process members of UNAVEM II have suffered much harassment, including in some cases premeditated assault, by officials and supporters of both sides.

32. Given the improbability of early agreement on reinstatement of the military provisions of the Peace Accords, together with the security factors mentioned in the preceding paragraph, I do not recommend option . The choice between options B and C is a fine one. On balance, I recommend that the Security Council approve option C but that sufficient equipment be retained in Luanda for the time being to permit a subsequent move to option B if this should become desirable and feasible. If it accepts this recommendation, the Security Council might wish to establish a deadline with the stipulation that, if by that time it had not been possible to persuade the two parties to agree upon and observe a cease-fire and resume negotiations within the framework of the Peace Accords, then the mission would be withdrawn. This deadline could be 30 April 1993.

33. I shall, with my Special Representative, be examining in due course how far this tragic breakdown of the peace process in Angola was due to shortcomings in the mandate given to, or the performance of, the United Nations. But my present view is that the fundamental cause of

the breakdown was the failure, often deliberate, of both parties to implement in full the provisions of the Peace Accords relating to political, military and police matters or to make the necessary efforts to promote national reconciliation. This failure greatly added to the difficulty, for the United Nations and other interested third parties, of preventing a slide back into civil war after UNITA further violated the Peace Accords by rejecting the results of an election certified by my Special Representative as having been generally free and fair, withdrawing from the new Angolan Armed Forces and seizing scores of municipalities. It is also necessary to point out that the deliberately limited role assigned by the two parties and the observers in the Peace Accords to UNAVEM II in military matters, which was only to verify the efficient working of joint monitoring mechanisms to be established and chaired by the parties themselves, hampered its ability to correct the drift towards non-compliance, which had already become apparent by late 1991.

34. One other matter which I find it necessary to underline now is the outrageous harassment and physical abuse to which UNAVEM II personnel have been subjected, together with the theft and looting of United Nations property, by officials and supporters of both sides but especially UNITA. When protests are made about such incidents, the leadership of both sides says that they result from unauthorized actions by uncontrolled elements. But the fact is that both parties, or media under their control, have, at one time or another in recent months, maliciously criticized UNAVEM II's performance and accused it of bias in favour of the other side. Such statements increase the likelihood that, when the situation deteriorates, "uncontrolled elements" will use violence against United Nations personnel. This is an observation which is relevant to a number of other United Nations operations in which those who are serving the causes of peace and humanity, to the best of their ability and often at the risk of their own lives, are currently denied the respect and cooperation to which they are entitled.

35. In conclusion I again pay tribute to my Special Representative, Miss Margaret Joan Anstee, to Brigadier-General Michael Nyambuya (Zimbabwe) who has acted as Chief Military Observer since Major-General Edward U. Unimna (Nigeria) returned to his country's service on 14 December 1992, and to all who have been serving under their command, for the exceptional courage and determination which they have shown in carrying out their duties in dangerous and discouraging circumstances.

ANNEX

Informal discussion paper on future mandate of UNAVEM

I BACKGROUND

1 Both parties to the Bicesse Accords have formally indicated their interest in an extended and strengthened presence of UNAVEM This was reflected in the joint Declaration of Namibe agreed by the Government and UNITA on 26 November 1992.

2 The original - and present - mandate of UNAVEM II expired on 31 October 1992 Two interim extensions, to 30 November 1992 and 31 January 1993, respectively, have been subsequently approved by the Security Council, pending the presentation of long-term recommendations by the Secretary-General These have now to be submitted, without fail, by the middle of January

3 The Secretary-General has indicated his willingness to recommend to the Security Council a larger mandate and strength for UNAVEM II, but has stated that he could do this only "if the two sides had demonstrated their continuing commitments to the Bicesse Accords by agreeing to a realistic plan of action to get the implementation process back on track"

4 At the Namibe meeting on 26 November 1992 it was agreed that the two parties would send to the Secretary-General's Special Representative for Angola, by 29 November, a jointly agreed list of the tasks that the expanded mandate of UNAVEM would encompass, as a basis for estimating the numbers and types of personnel required, and the cost of the operation

5 Unfortunately, subsequent events in Uige and Negage disrupted this process Instead, both parties have presented separate documents defining their concepts While there are a number of important areas of common agreement, there are also some significant differences which need to be urgently reconciled so that a firm proposal may go forward to the Secretary-General no later than the first week of January 1993

6 Given these circumstances, both parties have agreed that UNAVEM should prepare a draft proposal, attempting to reconcile the two positions, as a basis for discussion at an early meeting between the two, in conjunction with UNAVEM, preferably in the last week of December 1992 This is the purpose of the present document

II BASIC PREMISES

7 In conformity with the position taken by the Secretary-General, as reflected in paragraph 3 above, certain prerequisites for the effective relaunching of the peace process and further approval of an extended and expanded mandate for UNAVEM would need to be fulfilled. The Government and UNITA would need, *inter alia*:

(*a*) To reaffirm their commitment to respect and implement the Peace Accords for Angola;

(*b*) To recognize that the success or failure of any new attempt to implement the Peace Accords will depend first and foremost on their own actions;

(*c*) To reaffirm their previous commitments to a total cease-fire, including a halt to all offensive movements of troops and weapons;

(*d*) To reaffirm that the results of the 29 and 30 September 1992 elections stand as accepted by all parties;

(*e*) To reaffirm their declared desire for the United Nations to be given a larger and more active role in the Angolan peace process They would recognize formally that this means the United Nations should be given the authority of mediator and supervisor;

(*f*) To commit themselves to respect the United Nations Mission in Angola, and to support and protect the Chief and all members of the Mission as well as United Nations installations and property;

(*g*) To accord to UNAVEM a role appropriate to its expanded mandate in the revised JPMC or alternative successor organization that may be decided between the parties,

(*h*) To agree that the campaign for the second round of the presidential election cannot begin until the tasks described in paragraph 8 (*a*) to (*h*) below have been declared by the United Nations as completed;

(*i*) To agree to a realistic and specific timetable for implementation of each of the tasks described below

III TASKS

8 The Government and UNITA would formally accept United Nations mediation and supervision and technical assistance in completion by them of the following nine basic tasks

(*a*) Implementation of the cease-fire,

(*b*) The assembly and demobilization of the troops of both sides,

(*c*) The collection, storage and custody of weapons, including those in civilian hands;

(*d*) The formation of the new, unified armed forces,

(*e*) The formation and supervision of a neutral, unified police force;

(*f*) The extension of the central administration to the entire country and assurance of the free circulation of people and goods;

(*g*) The release and exchange of prisoners (principally supervised by ICRC),

(*h*) Security for UNITA leaders and installations,

(*i*) The second round of presidential elections

9 The basic functions to be assigned to the United Nations under each of these headings are outlined below In some cases, options have been suggested, and a decision will be needed as to which should be selected No figures for numbers of personnel have been given since these can be calculated only when agreement on the basic tasks has been reached

A *Implementation of the cease-fire*

10 United Nations military, police and civilian political offices would

(*a*) Assist in reinstating the joint government/UNITA monitoring machinery,

(*b*) Monitor the cease-fire and investigate alleged violations of it,

(*c*) Mediate solutions to cease-fire problems at the national and local levels

United Nations military, police and civilian officers would need to be deployed in all 18 provincial capitals, with air and land mobility Until the cease-fire is firmly established and an effective and accepted police force is in place, the observers would need armed United Nations protection.

B. *The assembly and demobilization of the troops of both sides*

11. This would entail the withdrawal and recantonment of troops in assembly areas, demobilization of all troops surplus to Angolan Armed Forces' requirements and their transportation to their respective provinces; and effective abolition of FAPLA [*Forças Armadas Populares de Libertaço de Angola*] and FALA [*Forças Armadas de Libertaçao de Angola*].

12. United Nations military and civilian staff would:

(*a*) Mediate agreements on these tasks;

(*b*) Monitor assembly of troops and arms in the assembly areas;

(*c*) Arrange adequate logistic support for them.

Each side would have to provide an honest account of its order of battle, including civilians to whom arms have been issued during the recent crisis. They would also have to include information about which personnel had already been selected for the Angolan Armed Forces. On this basis, arrangements would have to be agreed for the immediate assembly of troops and arms not selected for the Angolan Armed Forces, with adequate arrangements for logistic support of the troops in the assembly areas and their earliest possible demobilization. Additional political staff could be required for mediating and for logistic support function. It would also be necessary to ensure that proper arrangements are in place for retraining programmes to facilitate the social and economic integration of those returning to civilian life.

C. *Collection, storage and custody of weapons*

13. Each side would have to provide an honest declaration of the weapons under their control. Armed United Nations infantry would supervise the storage of, and if necessary, guard, the arms brought into the assembly areas, and at central storage sites, until they are destroyed or transferred to the Angolan Armed Forces.

14. Arrangements would also have to be agreed for recovering at least some of the arms distributed to civilians, including perhaps a programme to collect weapons from civilians. The neutral, unified police force (see sect. E below) would need to be fully involved in this process.

D. *Formation of the new unified Angolan Armed Forces*

15. The formation of the Angolan Armed Forces would be undertaken by the Angolans themselves. The United Nations role would be to supervise the process. It would be mainly a management function, involving the assembly and direction of teams of foreign staff officers and instructors to help the parties set up and train the new Angolan Armed Forces, and coordinate the work of any foreign advisers they might invite bilaterally to assist them.

E. *Formation and supervision of a neutral, unified police force*

16. This process would require effective incorporation of UNITA and other non-MPLA elements into the neutral, unified police force, including into the anti-riot police.

17. United Nations police officers would supervise and monitor the establishment, training and operations of a new national police force, including the anti-riot police, for which personnel would be recruited from all Angolan parties and ethnic groups.

F. *Extension of the central administration to the entire country and assurance of the free circulation of people and goods*

18. In each province, United Nations civilian and police observers would monitor and supervise such extension and circulation. A small United Nations political staff would be required in each of the provinces. This could be facilitated if the Government agreed:

(*a*) To introduce, at an early date, legislation providing for provincial and municipal administrators to be elected by popular vote;

(*b*) To appoint, meanwhile, supporters of parties other than MPLA, and acceptable to the Government, to provincial and municipal administrations in areas where those parties won a majority in the recent legislative election.

G. *Release and exchange of prisoners*

19. As foreseen in the Peace Accords, this function would be coordinated and supervised by ICRC. The United Nations, as previously, would cooperate, as necessary and appropriate, in ensuring the release of all military and civilian prisoners still held, including all those taken during and after the 31 October and 1 November fighting anywhere in Angola.

H. *Security for UNITA leaders and installations*

20. United Nations policy in such situations is that the primary responsibility for the security of all citizens in a country rests with the Government concerned. It is recognized, however, that the special circumstances prevailing in Angola require some additional measures. Various options may be considered, either singly or in a combination among several of them:

(*a*) Basic security provided by the Government;

(*b*) Agreement by the Government to allow the UNITA leadership to have a strictly limited number of armed bodyguards drawn from their supporters;

(*c*) Additional bodyguards provided by commercial security agencies;

(*d*) Close monitoring by United Nations civilian police observers to ensure that the UNITA bodyguards were not being used for unauthorized military activities and that the Government was meeting its own responsibilities for guaranteeing UNITA's security;

(*e*) A specialist armed unit provided by a Member State or the United Nations, such as a military police detachment trained in VIP protection (*Note*: this last would be a departure from normal United Nations practice and create a precedent that would need to be examined by the Security Council with particular care).

I. *Second round of presidential elections*

21. The United Nations role in the second round of the presidential elections should be greatly enlarged. Three options might be considered:

(*a*) Observation and verification on the same lines as for the first round of elections on 29 and 30 September, but with a far larger number of observers, and with UNAVEM possibly becoming a full member of the National Electoral Council;

(*b*) Supervision and control of the elections, as in Namibia, but stopping short of overall responsibility for their organization;

(*c*) Full responsibility for the organization and conduct of the elections as in Cambodia.

It should be emphasized, however, that the last two options would involve amendments to the Electoral Law, as well as a very large increase in resources, for which it would be difficult to obtain Security Council approval. The possibility of the Government of Angola making a substantial contribution to the electoral part of the new United Nations mission might be considered.

22. Whichever of the above options is chosen, the United Nations could again provide technical assistance and help the Government or the National Electoral Council to obtain the necessary logistic and other support from external sources.

DOCUMENT S/25140/ADD.1

[*Original: English*]
[*25 January 1993*]

1. In paragraph 30 of my report [*S/25140*] of 21 January 1993 to the Security Council, I identified three possible options for the Council's consideration on the future of UNAVEM II. All options were based on the assumption that I would continue to have a Special Representative for Angola who would be based in Luanda with the necessary civilian, military and police staff. The Special Representative's mandate would continue as presently being carried out, namely, to use the United Nations good offices, in cooperation with interested Member States, to help the two sides reach agreement on modalities for completing the peace process in accordance with the Peace Accords for Angola [*S/22609, annex*] and at the same time, to broker and, within the resources available, help implement cease-fires at the national or local level. In addition, my Special Representative would continue to take charge of all United Nations activities in connection with the peace process in Angola.

2. In paragraph 32 of the report, noting the improbability of an early agreement on reinstatement of the military provision of the Peace Accords, together with the security factors, I did not encourage option A. The choice between options B and C is a fine one, but I recommended that the Council approve option C on the understanding that sufficient equipment be retained in Luanda for the time being to permit a subsequent move to option B if this should become desirable and feasible.

3. It is estimated that the cost associated with the maintenance of UNAVEM II in accordance with option A would amount to $4,720,000

per month and option B would amount to $1,930,000 per month. Should the Security Council decide in favour of option C, the monthly cost would amount to $940,000. A breakdown of the estimated cost by main categories of expenditure for options A, B and C is provided for information in the annex hereto.

4. It would be my recommendation to the General Assembly, that should the Security Council decide to approve my recommendation, the costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States be credited to the UNAVEM special account.

ANNEX

Monthly cost estimates for the extension of the United Nations Angola Verification Mission (UNAVEM II)

(Thousands of US dollars)

	Main categories of expenditure	*Option A*	*Option B*	*Option C*
1.	Military observers	1 155	230	100
2.	Civilian police	400	100	20
3.	Civilian personnel	1 030[a]	580[b]	330[c]
4.	Premises, rental and maintenance	380	270	110
5.	Vehicle operations	70	40	5
6.	Aircraft operations	1 465	580	290
7.	Communications	30	20	15
8.	Miscellaneous equipment	10	10	10
9	Miscellaneous supplies, services, freight and support costs	180	100	60
	Total (monthly)	4 720	1 930	940

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[a] Provides for 83 international staff and 155 locally recruited staff.

[b] Provides for 49 international staff and 70 locally recruited staff.

[c] Provides for 28 international staff and 35 locally recruited staff.

DOCUMENT S/25141

Letter dated 22 January 1993 from the representative of Armenia to the President of the Security Council

[*Original: English*]
[*22 January 1993*]

I have the honour to transmit herewith the statement of Mr. Levon Ter-Petrossian, President of the Republic of Armenia, dated 6 January 1993, regarding the joint statement by President Yeltsin and President Bush on 3 January 1993, on the conflict in Nagorny Karabakh [*see S/25148*].

I should be grateful if you would have this statement circulated as a document of the Security Council.

(*Signed*) Alexander ARZOUMANIAN
Permanent Representative of
Armenia to the United Nations

TEXT OF THE STATEMENT

[*Original: Russian*]

The joint statement issued by the President of the Russian Federation and the President of the United States of America on 3 January 1993 concerning Nagorny Karabakh was interpreted in the Republic of Armenia as an expression not only of deep concern, but also of a realistic assessment of the role and responsibilities of those countries in helping to enhance the effectiveness of the process of political settlement of the conflict in Nagorny Karabakh within the framework of the peace initiatives of the Conference on Security and Cooperation in Europe.

The Republic of Armenia has repeatedly given tangible proof of its commitment to political means of settling problems and its readiness to achieve understanding on the basis of mutually acceptable proposals that take into account the interests of the parties; it reaffirms its policy of refraining from the use of force and seeking compromises that are consistent with the supreme interests of the Armenian and Azerbaijani peoples, as well as the interests of security and cooperation in the region, Europe and the world.

The conflict in Nagorny Karabakh can and should be settled not by military means, but by peaceful means, not on the battlefield, but at the negotiating table. The military confrontation, based on arithmetical calculations and on false illusions about achieving unilateral superiority, is criminal and has no future.

Deeply appreciating the readiness of the Russian Federation and the United States of America to continue working together to further the search for solutions, primarily within the framework of the Conference on Security and Cooperation in Europe, the leadership of the Republic of Armenia calls on the leadership of the Azerbaijani Republic to set aside all hesitation and misgivings and to resume, without delay, bilateral and multilateral consultations and negotiations with all the parties to the conflict and all the parties concerned, with a view to bringing about an immediate cease-fire in Nagorny Karabakh and the border regions as the first step towards a peaceful settlement of the conflict.

DOCUMENT S/25142

Letter dated 22 January 1993 from the representative of Armenia to the President of the Security Council

[*Original: English*]
[*22 January 1993*]

I have the honour to transmit herewith the statement of Mr. Georgi Petrossian, Acting Chairman of the Supreme Council of Nagorny Karabakh, dated 8 January 1993, regarding the joint statement by President Yeltsin and President Bush on 3 January 1993, on the conflict in Nagorny Karabakh.

I should be grateful if you would have this statement circulated as a document of the Security Council.

(*Signed*) Alexander ARZOUMANIAN
Permanent Representative
of Armenia to the United Nations

TEXT OF THE STATEMENT

[*Original: Russian*]

The leadership of the Nagorny Karabakh Republic noted with understanding the joint statement by the President of Russia, Mr. Yeltsin, and the President of the United States of America, Mr. Bush, regarding Nagorny Karabakh. Naturally, the countries of the world, and in particular the major Powers, are disturbed by the situation in the region, where the five-year-old conflict culminated in the past year in direct aggression by the Azerbaijani Republic against the Nagorny Karabakh Republic.

If the interests of any people of the region are ignored, that could lead to an uncontrolled military escalation, accompanied by gross violations of human rights and countless disasters for the peaceful population.

Unfortunately, the position of certain countries of the Minsk group continues to impede progress towards a just settlement of the problem.

The efforts of mediators - individual countries and international organizations - are not bearing fruit, because Azerbaijan is taking a position that is clearly and totally destructive, and is trying to use all attempts at negotiation in order to score military successes. One example was the attempt by the Azerbaijani army to seize certain populated areas of the Nagorny Karabakh Republic in early January 1993; it was thwarted by the Republic's self-defence forces.

We hope that the major Powers will exert their authority and influence with countries that are deviating from well-considered and neutral positions.

The people and leadership of the Nagorny Karabakh Republic have repeatedly demonstrated their commitment to peaceful means of settlement and their total lack of interest in military escalation, as well as their readiness to involve all interested parties in the region in the search for a settlement.

We reaffirm our readiness to go along with all bona fide and constructive initiatives aimed at achieving a solution to the problem as soon as possible.

At the same time, we should again like to point out that the recognition of the Nagorny Karabakh Republic as a full party to the negotiations would help to accelerate the peace process.

DOCUMENT S/25143

Letter dated 12 January 1993 from the representative of Azerbaijan to the President of the Security Council

[*Original: Russian*]
[*22 January 1993*]

On instructions from my Government, I have the honour to transmit to you the text of a statement by the President of the Azerbaijani Republic, Mr. Abulfaz Elchibey, regarding the joint statement made on 3 January 1993 by the President of the Russian Federation, Mr. Boris Yeltsin, and the President of the United States of America, Mr. George Bush, on Nagorny Karabakh.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Hassan A. HASSANOV
Permanent Representative of
Azerbaijan to the United Nations

TEXT OF THE STATEMENT

Your joint statement concerning the bloody war between Armenia and Azerbaijan and the fact that you firmly advocated an immediate cessation of hostilities and the urgent convening of a meeting at Minsk of the Conference on Security and Cooperation in Europe (CSCE) is a token of your good will and your profound concern at the great human tragedy and loss of life; this deserves the highest praise. At the same time, the people of Azerbaijan are extremely dissatisfied with the attitude of international organizations and larger States towards the true nature of the events taking place. Armenia's open aggression against Azerbaijan is self-evident; Armenia's objective is to seize certain Azerbaijani territories by force. The adoption by the Supreme Council of Armenia of a decision on Armenia's annexation of Nagorny Karabakh, which is, as everyone knows, part of Azerbaijan, is a shameful fact that exposes the true intentions of the Armenian side. Yet, this shameful fact has been passed over in silence, and its political implications have not been properly assessed. To date, the decision itself has for some reason not been rescinded.

Armenia's open aggression is evident not only in its occupation of the mountainous part of Karabakh but in its seizure of other Azerbaijani territory: Lachin, five villages of the Kazakh District, the village of Kyarki in Nakhichevan, nine villages of the Zangelan District, the continuous rocket and artillery bombardment of virtually all towns and villages along the frontier, and countless incursions into our territory. It is the fault of the Armenian side that the Nakhichevan Autonomous Republic is being blockaded and its population deprived of essential commodities, food and electricity.

Yet no one's attention has been drawn to the fact that all the military operations are being conducted in the territory of Azerbaijan. In short, what is taking place between Azerbaijan and Armenia is by no means a conflict between two guilty parties. On the contrary, it is a question of aggression. Unless the aggressor is identified, it will be difficult to put an end to the bloody war. I believe that this is the only reason why the war is dragging on.

With the aid of the numerous and influential Armenian communities throughout the world, the aggressor is seeking to lay the blame on others, divert the international community's attention from the real nature of the events taking place, and influence the policies of world Powers; occasionally these efforts are successful. One example of this is the unwarranted and biased decision of the United States Congress to deprive Azerbaijan, which is at a crucial stage in its transition to democracy, of essential assistance and support.

I would draw your attention to the fact that, until now, Armenia has rejected all attempts to find political means of ending the war.

Immediately after the joint statement by the three ministers for foreign affairs in February 1992 in Moscow, Armenian nationalists perpetrated a massacre in the town of Khodzhaly where Azerbaijanis lived, which resulted in the death of thousands of innocent people.

On the very day in May 1992 that an agreement on a cease-fire was signed at Tehran, Armenia launched a cruel offensive and occupied the Azerbaijani town of Shusha. Several days later, during the meeting of the Committee of Senior Officials of CSCE, another town - Lachin - was occupied.

Quite recently, after political consultations at Geneva in December 1992 in which five sides participated, and on the eve of the Stockholm meeting of the CSCE, there was a further escalation of hostilities. Violating the State frontier of the Azerbaijani Republic, Armenian armies made an incursion of 15 kilometres into its territory, seized and burned 13 villages and killed and captured hundreds of peaceful inhabitants. None of this was given a proper political assessment or the condemnation it deserved.

Distinguished Presidents, I fully share your opinion that the continuing cruel confrontation between Azerbaijan and Armenia is increasing the number of human victims, causing irreparable damage to the economies of the two countries, hindering their efforts to strengthen democracy, and destabilizing the entire Transcaucasian region. It is for this reason that we express our support for your call for a peaceful and just settlement of the Armenian-Azerbaijani conflict on the basis of generally accepted international principles, laws and norms. We are prepared to participate actively in all measures undertaken to achieve this end.

DOCUMENT S/25145

Letter dated 22 January 1993 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*22 January 1993*]

In response to the letter dated 22 January 1993 submitted to the Security Council by the President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Dobrica Cosic [*S/25139*], I have been instructed by my Government to give an explanation of the recent limited and completed action of the Croatian Police Forces and Croatian Army units on the territory of Croatia, aimed to secure the perimeter of the Maslenica-bridge rebuilding site.

In his letter to the President of the Security Council dated 9 December 1992 [*S/24934*] , the President of Croatia, Mr. Franjo Tudjman, asked, ***inter alia***, for the speed-up of the implementation of the Vance plan, especially with regard to the opening of the transportation and communication routes, including the Adriatic Highway and the rebuilding of the Maslenica bridge.

The Adriatic Highway is the only link to the coastal Croatian region of Dalmatia and its reopening is therefore essential for the transport of humanitarian assistance to that region, as well as to Bosnia and Herzegovina. The present limited action of the Croatian forces was aimed at establishing control over certain areas in the "pink zones" in order to start the reconstruction of the destroyed bridge in the area and to reopen the only airport in the Zadar region.

The Croatian Government has only recently informed the Co-Chairmen of the Steering Committee of the International Conference of the Former Yugoslavia of its intention to establish control over this territory in the "pink zones", whose restoration to Croatian authority was envisaged by the reports of the Secretary-General concerning Security Council resolution 762 (1992).

I would like to refer to paragraph 3 of the Secretary-General's report [*S/24188*] in which he emphasized that "the Croatian authorities are correct in their interpretation of the plan approved by the Security Council, which does not provide for any change in the boundaries of the UNPAs [*United Nations Protected Areas*]" and that therefore "they were under no obligation to agree to an adjustment of the agreed boundaries in those sectors in order to circumvent the problem". In spite of this, Croatia accepted the establishment of the so-called "pink zones" and has actively been cooperating with the United Nations Protection Force (UNPROFOR) in achieving the major goals of the peace plan. As the result of that, the Secretary-General expressed "special gratitude to the Government of Croatia for the flexibility it has shown in response to the Force Commander's efforts to find a solution to the question of the 'pink zones'" [*S/24353, para. 26*].

The Secretary-General has stated that "prior to the reinstatement of Croatian authority in the 'pink zones', a general amnesty in regard to events associated with the conflict would be brought into effect by the Government of Croatia, thus also helping to create a climate of security in which displaced persons could return to their homes" [*S/24188, para. 16 (f)*]. On 25 September 1992, the Croatian Parliament fulfilled this obligation by adopting the Amnesty Act. In spite of this, the process of reintegrating these areas into the legal, economic and social system of Croatia has not begun, nor is there the beginning of the process of "restoration of authority by the Croatian police and the re-establishment of the local police in proportion to the demographic structure of the areas prior to the conflict" [*ibid.,para. 16 (d)*].

It is the opinion of the Secretary-General based upon the reports in the field that "the root cause of the deterioration in the United Nations Protected Areas since late July has been the Knin authorities' decision to create new paramilitary forces", an action which "is inconsistent with the demilitarization of the United Nations Protected Areas and is thus a blatant violation of the United Nations plan" [*S/24600, para. 34*]. This is similar to what occurred in the "pink zones", directly undermining the stability of Croatia and threatening its national security.

In response to the letter of the President of the Federal Republic of Yugoslavia (Serbia and Montenegro) [*S/25139*], I have to draw your attention to the fact that President Cosic speaks of an armed attack against "the territory of the Republic of Serbian Krajina". This is contrary to the terms of the Vance plan and clearly demonstrates that the Federal Republic of Yugoslavia (Serbia and Montenegro) recognizes this self-proclaimed entity within the international boundaries of Croatia. President Cosic also mentions the "former Republic of Bosnia and Herzegovina", indicating that he does not recognize the sovereignty and territorial integrity of this State Member of the United Nations.

Furthermore, by claiming the right of the Federal Republic of Yugoslavia (Serbia and Montenegro) to protect the Serbian people in the Republic of Croatia, President Cosic is threatening a new aggression by the Yugoslav Army against Croatia. If that occurs, the Croatian people and their Government reserve the right to protect and defend the territory of Croatia from any foreign military aggression, and are ready to use all necessary means in fulfilling this task.

The Government of Croatia is committed to the peace plan for Bosnia and Herzegovina proposed by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and to the full implementation of the Vance plan in Croatia, being aware that the full success of this Conference is the only way to bring lasting peace to the region of former Yugoslavia.

I would like to ask for your kind assistance in distributing this letter as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

DOCUMENT S/25146[*]

Letter dated 22 January 1993 from the representative of Yugoslavia to the Secretary-General

[*Original: English*]
[*22 January 1993*]

I have the honour to transmit herewith the text of a letter dated 18 January 1993 from Dr. Rade Dubajic, Secretary of the Presidency of the Red Cross of Yugoslavia, Dr. Radovan Mijanovic, President of the Red

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[*] Circulated under the double symbol A/48/68-S/25146.

Cross of Montenegro and Dr. Slobodanka Gruden, President of the Red Cross of Serbia, addressed to Mr. Egon Alfred Klepsch, President of the European Parliament.

I should be grateful if you would have the present letter and the attachment circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

TEXT OF THE LETTER

The Red Cross of Yugoslavia has learned of the European Parliament resolution on the condemnation of mass rape of Muslim Women in Bosnia and Herzegovina, adopted on 16 December 1992.

The Red Cross of Yugoslavia, as part of the International Red Cross and Red Crescent Movement, committed to the principles of international humanitarian law and guided by the fundamental tenets of the Movement, from the very outbreak of the armed conflict in the territory of the former Yugoslavia has been undertaking numerous actions to extend aid to all the victims of the war and following at the same time the implementation of that law. Like you, the Red Cross of Yugoslavia is appalled at the large-scale and grave crimes committed so far in this armed conflict, among which is the crime of rape of minor girls, girls and women. That crime is a violation of the basic principles of international humanitarian law on respect for the human person, of the honour, family rights, the physical integrity of victims of war, of the principle of humane treatment of victims, and of the requirement for women to be especially protected against any assault on their honour, in particular rape, forced prostitution and any form of assault on their chastity (see in particular article 27 of the fourth Geneva Convention of 1949[1] and articles 75 and 76 of Additional Protocol I and article 4 of Additional Protocol II thereto[8]) Under their agreement of 22 May 1992, all the parties to the conflict undertook to respect those provisions of international humanitarian law and hence bear appropriate responsibility. At the same time, these crimes constitute a violation of basic human rights generally accepted today in the world.

The Red Cross of Yugoslavia cannot remain indifferent to these and all other crimes being committed in this armed conflict. Within the Movement to which the Red Cross of Yugoslavia belongs, the International Committee of the Red Cross has been investing steady efforts to ensure respect for international humanitarian law, including the condemnation of war crimes, which should be suppressed, all the perpetrators punished, and the further commission of such crimes prevented.

The Red Cross of Yugoslavia is therefore in full agreement with you and with all others who are appalled at these war crimes, including the crime of rape of minor girls, girls and women.

There is a steady influx of large numbers of refugees into our country from the war-torn areas and there are now over 600,000 of them of various nationalities, in particular Muslims - around 15 per cent. Among them is a large number of women, which the Red Cross of Yugoslavia helps, in keeping with its duties. A large number of women who have fled to the Federal Republic of Yugoslavia tell their stories, testify to the ordeals and rape to which they were subjected at the hands of the Muslim and Croatian authorities and forces in Bosnia and Herzegovina, in prisons, camps, hotels, schools, restaurants, flats turned into private prisons, sports centres and other scenes of crime. From their testimonies we learned that many women did not survive mass rape and torture. Those who did survive turned to the Red Cross and medical establishments for help. Most of these women are Serb by nationality, but the Red Cross of Yugoslavia makes no distinction whatsoever between them, and extends assistance to all the victims.

Numerous cases of women who were raped in Bosnia and Herzegovina, who survived and fled to the Federal Republic of Yugoslavia, were reported on in our mass media so that anyone interested could have learned about them, including representatives of foreign States, international organizations and foreign correspondents in our country. The public was also informed of the open letter of Madame Biljana Plavsic, member of the Presidency of Bosnia and Herzegovina, who, as early as 9 September 1992, addressed a letter to the Secretary-General of the United Nations, the United Nations High Commissioner for Refugees, the Steering Committee of the International Conference on the Former Yugoslavia and the International Committee of the Red Cross, in which, *inter alia*, she speaks of the large-scale rape of Serb girls and women in Bosnia and Herzegovina. This letter signalized the existence of the crime of rape on a mass scale. The letter, regrettably, met with no response, no condemnation of the crime and no action was taken to establish the facts or put an end to that crime. All these data were available to the European Parliament as well. From the testimonies of the women victims of this crime who survived, the Red Cross of Yugoslavia was able to learn of many such cases and of the places where these crimes were committed: Sarajevo, Hadzici, Tuzla, Bugojno, Bihac, Konjic and many other places in Bosnia and Herzegovina.

The Red Cross of Yugoslavia does not maintain special records on raped women who have escaped to the Federal Republic of Yugoslavia, but takes care of all the victims of the war who are in need, irrespective of their religious, national or any other affiliation or their sex, provides accommodation for them, supplies their food and medicaments and provides social work and welfare and tracing services for them. More specific data on women victims of rape who have fled can be obtained from numerous medical institutions in the Federal Republic of Yugoslavia, which many of these women contacted. These data testify to the massive scale of this crime, and the severe physical and psychic traumas of the victims.

While joining in your condemnation of rape and forced prostitution of women in Bosnia and Herzegovina, we are surprised at the introduction of the principle of discrimination of the victims of this crime, the ignoring of the existence of victims of this crime among Serb women. That principle is contrary to the commitments of the Red Cross of Yugoslavia, the principles of humaneness, impartiality and non-discrimination, as well as the principle of non-discrimination of the victims of war, which is unequivocally spelled out in international humanitarian law and universally accepted. All victims of war are entitled to equal protection. No nationality or religious group should be treated as an inferior race and members of that group deprived of the right to protection and assistance as victims of war. All war crimes, irrespective of who the perpetrators and the victims are, should be punished in keeping with the law in force. The political criteria of nationality and religion should not be allowed to influence humanitarian action for protecting and assisting victims of war, or the condemnation of war crimes, because international humanitarian law has been universally adopted so as to protect all human beings from violence, crime and inhumane treatment. The Red Cross of Yugoslavia is of the opinion that all national Red Cross organizations should bring influence to bear on their respective Governments so that the principles of international humanitarian law are equally respected and that no discrimination is made among victims of war.

The primary task of the Red Cross of Yugoslavia is to extend assistance and protection to all victims of war who appeal to it. In this case it is ready to continue to extend assistance both to women victims of rape, as well as to children born as the fruit of that crime. The Red Cross of Yugoslavia does not engage in pronouncing public condemnation and trials for war crimes, which is within the competence of other bodies and organizations, but joins in the general condemnation of those crimes pronounced by others when the principles are violated of international humanitarian law, which has been developed at the initiative of the Red Cross. The Red Cross of Yugoslavia is, however, ready to make the data it has obtained through contact with victims of war available to bodies in charge of collecting data and punishing war crimes and to bodies seeking to establish the facts and the full truth to the extent possible, in keeping with the personal rights of victims of war.

We would appreciate it if you would acquaint the sponsors of the resolution with our letter.

(*Signed*) Dr. Rade DUBAJIC
Secretary of the Presidency
of the Red Cross of Yugoslavia

(*Signed*) Dr. Radovan MIJANOVIC
President of the Red Cross
of Montenegro

(*Signed*) Dr. Slobodanka GRUDEN
President of the Red Cross
of Serbia

DOCUMENT S/25147*

Note by the Secretary-General

[*Original: English*]
[*22 January 1993*]

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council and following informal consultations held by the President of the Security Council at the request of the Secretary-General concerning the receivability of the attached application for admission to membership in the United Nations, the Secretary-General has the honour to circulate herewith the said application.

ANNEX

Letter dated 30 July 1992 from the President of the Republic of Macedonia addressed to the Secretary-General

In accordance with Article 4 of the Charter of the United Nations and in compliance with the provisions of rules 58 to 60 of the provisional rules of procedure of the Security Council and rules 134 to 138 of the rules of procedure of the General Assembly, related to the admission of new Members to the United Nations, I have the honour, on behalf of the Republic of Macedonia, and in my capacity as President, to request the admission of the Republic of Macedonia as a State Member of the United Nations.

Acting within the framework of the democratic processes in the region of Central and Eastern Europe and the constitution of new States, the Republic of Macedonia has completed its independence and sovereignty through peaceful, democratic and constitutional changes.

In accordance with the principles of self-determination and equal rights of the Charter of the United Nations, the Assembly of the Republic of Macedonia has adopted the Declaration for international recognition of the Republic of Macedonia as a sovereign and independent State. Prior to this declaration a referendum was organized in the Republic of Macedonia on 8 September 1991, at which the will of the citizens for a sovereign and independent State of Macedonia was confirmed. According to the Constitution of the Republic, adopted on 17 November 1991, the Republic of Macedonia is a sovereign, independent, democratic and social State.

The Republic of Macedonia accepts the obligations contained in the Charter of the United Nations and supports fully the United Nations and the enhancement of its role in promoting international peace, security and justice. We reaffirm our commitment to the principles and purposes of the United Nations as enshrined in the Charter and condemn all violations of those principles. We recognize with satisfaction the growing role of the United Nations in world affairs and its increasing effectiveness.

The Republic of Macedonia accepts the Helsinki Final Act, the Charter of Paris for a New Europe, the Helsinki Summit Declaration and Helsinki Decisions, as well as all other documents of the Conference on Security and Cooperation in Europe and all commitments and responsibilities contained in those documents, and is determined to act in accordance with their provisions.

Having appreciated your personal efforts within the framework of the general responsibilities of the United Nations, I express my sincere convictions that the admission of the Republic of Macedonia to the United Nations as a Member State shall be a very significant step towards the peaceful solution of the crisis in the territory of the former Yugoslavia.

I would be grateful if you would arrange for the application to be placed before the Security Council and the General Assembly at the earliest opportunity.

(*Signed*) Kiro GLIGOROV
President

APPENDIX

Declaration of Acceptance of the Obligations contained in the Charter of the United Nations

(*30 July 1992*)

In connection with the application by the Republic of Macedonia for membership in the United Nations, I have the honour, on behalf of the Republic of Macedonia, and in my capacity as President, to declare that the Republic of Macedonia accepts the obligations contained in the Charter of the United Nations and solemnly undertakes to fulfil them.

(*Signed*) Kiro GLIGOROV
President

DOCUMENT S/25148

Letter dated 21 January 1993 from the representatives of the Russian Federation and the United States of America to the Secretary-General

[*Original: English/Russsian*]
[*23 January 1993*]

We have the honour to transmit herewith the text of the joint statement by the President of the United States of America, Mr. George Bush, and the President of the Russian Federation, Mr. Boris N. Yeltsin, on Nagorny Karabakh issued on 3 January 1993.

We should be grateful if you would have the text of this letter and of the statement circulated as a document of the Security Council.

(*Signed*) Edward J. PERKINS
Permanent Representative
of the United States of America
to the United Nations

(*Signed*) Yuliy M. VORONTSOV
Permanent Representative
of the Russian Federation
to the United Nations

TEXT OF THE STATEMENT

The Russian Federation and the United States of America express deep concern over the continuing sanguinary tragedy in Nagorny Karabakh and, lately, on the border between Azerbaijan and Armenia. The long and fierce hostilities continue to increase the number of casualties, mostly among civilians, and inflict enormous damage to the economies of both states, to discredit the democratic tendencies in their development, to destabilize the situation in the whole of Transcaucasia.

We are worried over the continuation and aggravation of the conflict, over brutal shellings and bombardments of populated localities, over streams of refugees, introduction of blockades, violations of international humanitarian law, including seizure of hostages and barbaric treatment of POWs. These activities demand fixed attention and condemnation on the part of civilized states, the United Nations and international humanitarian structures.

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* Circulated under the double symbol A/47/876-S/25147.

Russia and the United States call for an immediate end to the bloodshed, for a drastic turn towards a political settlement of the conflict, for an early convocation of the CSCE Conference on Nagorny Karabakh in Minsk to solve all disputed problems. This meets the supreme national interests of the Azerbaijani and Armenian peoples. They (Russia and the United States) address the leaders of Azerbaijan and Armenia, all participants in the conflict with an insistent call to confirm by practical deeds the statements on the desire to solve it (the conflict) by peaceful methods, to respect the peaceful agreements reached.

On their side, the Russian Federation and the United States of America confirm their readiness to join efforts and continue to render help in searching for solutions acceptable for all participants in the conflict, first and foremost in the CSCE framework.

DOCUMENT S/25149

Report submitted to the Security Council by the Secretary-General in accordance with resolution 799 (1992)

[*Original: English*]
[*25 January 1993*]

1. On 18 December 1992 the Security Council adopted resolution 799 (1992), which reads as follows:

[*For the text of the resolution, see* Resolutions and Decisions of the Security Council, 1992.]

2. In pursuance of paragraph 5 of resolution 799 (1992), the Secretary-General telephoned the Minister for Foreign Affairs of Israel, Mr. Shimon Peres, to inform him of his decision to send Under-Secretary-General for Political Affairs, Mr. James O. C. Jonah, to the region. The Secretary-General expressed the hope that it would be possible to achieve a solution in conformity with the position adopted unanimously by the Security Council.

3. Mr. Jonah visited the area from 27 to 30 December 1992. In Israel he held extensive discussions with the Prime Minister, Mr. Yitzhak Rabin, and the Minister for Foreign Affairs, Mr. Shimon Peres. While in Jerusalem, he met with a group of Palestinians, led by Mr. Faisal Husseini, the head of the Palestinian delegation to the peace talks with Israel. In Lebanon, he met the President, Mr. Elias Hrawi, the Prime Minister, Mr. Rafik Hariri, and the Minister of Health and Acting Minister for Foreign Affairs, Mr. Marwan Hamadieh. Mr. Jonah was prevented from meeting with the deportees themselves, but he met with representatives of their families, at the request of the latter. He also met, at their request, with Israeli families who had suffered from acts of terrorism. In addition, Mr. Jonah was briefed during his visit by representatives of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the United Nations Interim Force in Lebanon (UNIFIL). It should be noted that 16 of the deportees are UNRWA staff members.

4. On 2 January 1993, Mr. Jonah briefed the Secretary-General in Addis Ababa on his discussions in the region, which had been inconclusive because it had not proved possible to persuade the Government of Israel to fulfil its obligations under resolution 799 (1992). The Secretary-General subsequently telephoned Prime Minister Rabin from Addis Ababa to inform him of his intention to send a second mission, led by his Special Political Adviser and Representative to the multilateral peace talks on the Middle East, Under-Secretary-General Chinmaya Gharekhan. This decision was based, he said, on his determination to exert every possible effort to achieve a solution in accordance with the will of the Security Council.

5. On 4 January 1993, the Secretary-General conveyed a letter to the President of the Security Council in which he underlined that an important principle was at stake, namely, that Israel's decision to deport to Lebanon 415 Palestinian civilians was illegal under international law. It was a contravention of Israel's obligations under article 49 of the fourth Geneva Convention,[1] and constituted a fundamental disregard of the Universal Declaration of Human Rights. For its part, the Security Council had repeatedly (in its resolutions 607 (1988), 608 (1988), 636 (1989), 641 (1989), 681 (1990), 694 (1991) and 726 (1992) and most recently in resolution 799 (1992)) expressed its opposition to and condemnation of the deportation of Palestinian civilians from the occupied territories. In his letter, the Secretary-General reported with regret that Mr. Jonah's mission had been unsuccessful and that that was attributable to Israel's unwillingness to comply with resolution 799 (1992). Recalling the unanimous and unequivocal position taken by the Security Council in that resolution, in particular the explicit demand contained in paragraph 4 thereof, the Secretary-General said that in his opinion there was no alternative to the safe and immediate return to the occupied territories of all those deported. He informed the Council that, in view of the gravity of the situation and before presenting a full report, he felt compelled to make a further effort to find a solution in conformity with the terms set out in resolution 799 (1992) and that consequently he had decided to send Mr. Gharekhan to the region to discuss with the Government of Israel ways of bringing an end to the situation. He hoped that the Israeli authorities would recognize the need to comply with resolution 799 (1992); if not, he might have to recommend in his report that the Council consider taking further steps to ensure that its decision was respected.

6. The Secretary-General briefed Mr. Gharekhan in Cairo on 6 January 1993 about his mission, and emphasized that, in his discussions with the Israeli authorities, he should focus solely on implementation of resolution 799 (1992). While the United Nations was concerned over the humanitarian plight of the Palestinian deportees, this aspect had not been addressed by the Security Council. In the circumstances, it seemed appropriate that the International Committee of the Red Cross (ICRC), which under the fourth Geneva Convention has a special responsibility for civilians residing under occupation, should address the humanitarian needs of the deportees.

7. Mr. Gharekhan visited Israel from 7 to 12 January 1993. He held extensive discussions with the Israeli authorities, including Prime Minister Rabin, with whom he met twice, and Minister for Foreign Affairs Peres. The Prime Minister emphasized that the decision adopted by the Government of Israel on 16 December 1992 "to expel temporarily" 415 Palestinians could not be rescinded. The decision had been taken in the light of a number of acts of violence carried out by supporters of the Hamas and Islamic Jihad movements against Israeli citizens, which had culminated in the kidnapping and subsequent murder of an Israeli border policeman. The Prime Minister noted that the Government had refrained from adopting harsher measures, including capital punishment, which, he pointed out, was permissible under the fourth Geneva Convention. He mentioned, however, that a number of petitions had been filed with the Israeli High Court of Justice, including one that challenged the legality of the Government's decision which had been adopted on an ad hoc basis and, unlike previous situations in which Israeli deportation orders had been issued to Palestinian residents of the occupied territories, did not stem from the British Mandatory Emergency Regulations of 1945. The Prime Minister stated that, should the High Court rule that the government decision was illegal, the deportees would be returned to "the places from which they had been taken" prior to their expulsion. Otherwise, each expelled individual had the right to appeal. In the opinion of the Israeli authorities, the expulsion orders were not inconsistent with the position taken by the Security Council. All those expelled would be permitted to return, as requested by the Council: the only difference was regarding the timing. Each deportee had been informed, at the time of his expulsion, of the period that he would have to remain away. Finally, the

Prime Minister said that, although the Government of Israel did not wish to enter into a confrontation with the Security Council, it believed that its decision regarding the temporary expulsions was justified, not only on the grounds that it would serve as a deterrent to further acts of violence but also that it would help to sustain the peace process. In the Government's view, Palestinian supporters of the peace process had been intimidated and indeed had their own lives threatened by Hamas and the Islamic Jihad, which were opposed not only to negotiations with Israel but to peace itself. The Prime Minister said that, if the Security Council was to adopt measures against Israel, it might lead to a collapse of the peace process, for which the Council would be held responsible.

8. For his part, Mr. Gharekhan emphasized to his Israeli interlocutors the imperative need for compliance with the decision of the Security Council. He stated that the objective of his mission was to find a solution in accordance with resolution 799 (1992) and that he would not address the humanitarian aspects of the problem. He would not, therefore, travel to Lebanon. He stressed that, if Israel failed to fulfil its obligations under resolution 799 (1992), the Secretary-General would have no choice but to submit an unambiguous report to the Security Council as a follow-up to his 4 January 1993 letter to the President of the Council. Moreover, he firmly rejected the view that the Security Council should be held responsible for a collapse in the Middle East peace process. Should such an eventuality arise, Israel alone would be responsible. In this connection, Mr. Gharekhan conveyed to the Prime Minister a message from the Palestinians he had met the previous evening that they would not resume the peace talks unless the deportees were permitted to return. In response to suggestions that the deportees might be transferred to third countries, Mr. Gharekhan stated that his sole objective was to help to find a solution in strict accordance with the decision of the Security Council, which had demanded the safe and immediate return of the deportees. He noted that it was open to Israel to place the deportees in prison or under administrative detention which, at least, would not be in violation of the fourth Geneva Convention.

9. During his visit to Jerusalem, Mr. Gharekhan also met, at their request, with a widely representative group of Palestinians, led by Mr. Faisal Husseini. Without exception, the Palestinians expressed opposition to the deportations and called for full implementation of resolution 799 (1992). Unless the deportees were permitted to return, they said, the Palestinian delegation would not resume peace talks with Israel. As indicated in paragraph 8 above, they requested Mr. Gharekhan to convey this latter message to Prime Minister Rabin. They rejected the Israeli explanation that the deportees had been expelled because of their opposition to the peace process, and expressed apprehension at the precedent set by the ad hoc government decision, which could be applied to any Palestinian civilian in the occupied territories. More generally, the group expressed deep disappointment and bitterness at Israel's continuing defiance of Security Council resolutions and asked why, in the light of the most recent example of Israeli non-compliance, they should believe that Israel would eventually abide by resolutions 242 (1967) and 338 (1973) on which the peace process was based. Furthermore, it was widely felt that, since the Madrid Peace Conference on the Middle East, the international community had ignored the right of Palestinians under occupation to safety and protection. Security Council resolution 681 (1990), which *inter alia* requests the Secretary-General to monitor and observe the situation regarding Palestinian civilians under Israeli occupation, was cited in this connection. Mr. Gharekhan assured the Palestinians that their concerns would be conveyed to the Secretary-General as well as to Israeli leaders with whom he would meet.

10. While his mission did not concern humanitarian matters, Mr. Gharekhan met twice with the head of the ICRC delegation in Tel Aviv, who *inter alia* briefed him on the 9 January 1993 ICRC visit to the deportees, which had been agreed to by Lebanon and UNIFIL on a one-time basis, as well as by Israel. For this purpose, ICRC had chartered a UNIFIL helicopter, on which United Nations markings were replaced by those of the Red Cross. In the event, the ICRC delegate and medical doctor who conducted the visit had decided, and were given permission by the Israeli authorities, to evacuate two deportees on humanitarian grounds. One, a 16-year-old boy, had been expelled "by mistake", and was permitted to return to his home in the occupied territories. The other was evacuated for medical reasons and, after spending the night of 9 January under ICRC supervision at UNIFIL's hospital in Naqoura, was transferred to Marjayoun Hospital in the Israeli-controlled area in southern Lebanon.

11. On 13 January 1993, Mr. Gharekhan briefed the Secretary-General in Paris on his mission.

12. In the meantime, the Secretary-General had a number of meetings and telephone conversations about the deportees with leaders in the region and representatives of other interested Governments. In Geneva he met the Minister for Foreign Affairs of Algeria, Mr. Lakhdar Ibrahimi, the Minister for Foreign Affairs of France, Mr. Roland Dumas, and the Chairman of the Executive Committee of the Palestine Liberation Organization, Mr. Yasser Arafat. In each of these meetings, the situation of the deportees and implementation of resolution 799 (1992) was discussed at length. In Bonn, the Secretary-General addressed the same issues in a meeting with the Minister for Foreign Affairs of Germany, Mr. Klaus Kinkel. In Paris, he again discussed the situation with the Ministers for Foreign Affairs of Algeria and France, as well as the Secretary of State of the United States of America, Mr Lawrence Eagleburger. During this period, the Secretary-General spoke several times by telephone with the Prime Minister of Lebanon, Mr Rafik Hariri.

13. On 13 January 1993, the Secretary-General met in Paris with the Minister for Foreign Affairs of Israel. He reiterated to Mr. Peres the need for Israel to comply immediately with the decision of the Security Council. The following day, he spoke twice by telephone with Prime Minister Rabin, and agreed to send Mr. Gharekhan to Jerusalem again, in a further effort to secure implementation of resolution 799 (1992).

14. On 18 January 1993, Mr. Gharekhan met in Geneva with the President of ICRC, Mr. Cornelio Sommaruga. He conveyed the Secretary-General's appreciation for the humanitarian activities carried out by ICRC with respect to the deportees. Mr. Sommaruga briefed him on further measures contemplated by his organization. In the course of their meeting, Mr. Sommaruga and Mr. Gharekhan noted that the respective responsibilities of the United Nations and ICRC concerning the deportees were separate and different. The mandate of the United Nations was set out in resolution 799 (1992), which demands the "safe and immediate return" of the deportees. The mandate of ICRC was based on humanitarian law and, in particular, the fourth Geneva Convention, which explicitly opposes deportation. However, in the absence of the return of the deportees, ICRC had a responsibility to ensure that humanitarian assistance, such as relief and medical care, as well as family messages and powers of attorney, was made available to them as long as they were in their present location. Mr. Sommaruga expressed his organization's full support for the efforts of the Secretary-General.

15. Mr. Gharekhan returned to Israel on the evening of 19 January and left early on 22 January 1993. During his stay he met twice with Prime Minister Rabin and once with Minister for Foreign Affairs Peres. A new development since his previous visit was that the Israeli High Court of Justice had, on 17 January 1993, begun its consideration of the appeal which challenged the legality of the Government's action in "temporarily expelling" 415 Palestinians. As at the date of the present report, the Court hearings are continuing. The Prime Minister informed Mr. Gharekhan that he would not be in a position to act, or even to discuss alternative measures, until the Court gave its judgement. Mr. Gharekhan explained to his Israeli interlocutors that the Security Council had acted in the matter independently of the internal judicial processes

of Israel. The Prime Minister expressed his understanding of this point, but again emphasized that he could take no action before the Court gave its judgement. He stated that he was prepared to resume discussions with Mr. Gharekhan after the Court had decided.

16. As during his previous visit, Mr. Gharekhan met with a group of Palestinians. The Palestinians expressed support for the efforts of the Secretary-General, and demanded the implementation without delay of resolution 799 (1992). They once again reiterated their position that they could not take part in the peace talks unless the issue of the deportees was resolved.

Observations

17. To recognize fully the gravity of the situation addressed in Security Council resolution 799 (1992), it is important to recall that the deportations carried out by the Government of Israel on 17 December 1992 are only the most recent in a series of violations by Israel of the fourth Geneva Convention. The question of the safety and protection of Palestinian civilians under Israeli occupation has repeatedly been addressed by the Security Council since December 1987. For this reason and in the light of requests conveyed by Palestinian leaders to me as well as to Mr. Jonah and Mr. Gharekhan during their missions to the region, I intend to initiate discussions with the Israeli authorities regarding the establishment of a United Nations monitoring mechanism in the occupied territories, as suggested in resolution 681 (1990). This should have the effect of reassuring Palestinians under Israeli occupation that the international community is not neglecting their need for safety and protection, a need which must be met regardless of progress in the peace talks.

18. As has been made clear by the above narrative, Israel continues to refuse to comply with resolution 799 (1992). This is all the more regrettable given that I have, in accordance with the mandate entrusted to me in paragraph 5 of that resolution, made persistent efforts to achieve a solution. I have sent three missions to the region and have personally spoken several times with Israeli Prime Minister Rabin and Minister for Foreign Affairs Peres. The refusal by Israel to ensure the safe and immediate return of deportees as demanded in resolution 799 (1992), in my view, challenges the authority of the Security Council. Additionally, there is a growing perception, throughout the international community, that the Council, by not pressing for Israeli compliance with its resolutions, of which resolution 799 (1992) is only the latest, does not attach equal importance to the implementation of all of its decisions. In these circumstances, I would be failing in my duty if I did not recommend to the Security Council that it should take whatever measures are required to ensure that its unanimous decision, as set out in resolution 799 (1992), is respected.

19. Having said that, I wish to point out that developments such as those that are the subject of the present report underscore the need to achieve a comprehensive, just and lasting peace in the Middle East. This objective has long been and will continue to be an important focus of United Nations efforts. The ongoing volatility of the situation in the occupied territories remains a matter of deep concern, and makes it all the more imperative that the international community should spare no effort in pursuit of a settlement. For my part, I remain committed to do everything possible to help in this endeavour.

DOCUMENTS S/25150 AND ADD.1

Report of the Secretary-General on the United Nations Interim Force in Lebanon for the period from 22 July 1992-22 January 1993

DOCUMENT S/25150

[*Original: English*]
[*22 January 1993*]

Introduction

1. By its resolution 768 (1992) of 30 July 1992, the Security Council decided to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL) for a further interim period of six months, until 31 January 1993. The Council also reiterated its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries; re-emphasized the terms of reference and general guidelines of UNIFIL as stated in the report of the Secretary-General of 19 March 1978 [*S/12611*] approved by resolution 426 (1978), and called upon all parties concerned to cooperate fully with UNIFIL for the full implementation of its mandate; and reiterated that UNIFIL should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions. The Council requested the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the resolution and to report to the Council.

Organization of UNIFIL

2. As of January 1993, the composition of UNIFIL was as follows:

Military personnel

Fiji	HQ UNIFIL	9	
	Infantry battalion	599	
	Force Mobile Reserve	34	
	Military police	8	650[a]
Finland	HQ UNIFIL	12	
	Infantry battalion	480	
	Force Mobile Reserve	20	
	Military police	9	521
France	HQ UNIFIL	14	
	Composite battalion (maintenance company, defence company, armoured escort company)	416	
	Military police	10	
	Camp Command	1	441
Ghana	HQ UNIFIL	22	
	Infantry battalion (including engineer company)	722	

	Force Mobile Reserve	36	
	Military police	7	
	Camp Command	2	789[a]
Ireland	HQ UNIFIL	33	
	Infantry battalion	584	
	HQ Camp Command	31	
	Force Mobile Reserve	17	
	Military police	12	677
Italy	HQ UNIFIL	4	
	Helicopter unit	43	
	Military police	2	49
Nepal	HQ UNIFIL	11	
	Infantry battalion	679	
	Force Mobile Reserve	29	
	Military police	5	724[a]
Norway	HQ UNIFIL	22	
	Infantry battalion	594	
	Maintenance company	162	
	Force Mobile Reserve	36	
	Military police	16	830
Poland	HQ UNIFIL	5	
	Medical unit	71	
	Military police	2	78
Sweden	HQ UNIFIL	15	
	Logistic battalion	341	
	Engineer Company	123	
	Force Mobile Reserve	4	
	Military police	8	491
	Total UNIFIL		5,250

[a] Includes one officer temporarily assigned to serve as military adviser to the Personal Representative of the Secretary-General in Afghanistan and Pakistan.

The deployment of UNIFIL as of January 1993 is shown on the map attached to the present report [*see end of volume*].

3. Lieutenant-General Lars-Eric Wahlgren of Sweden continued as Commander of UNIFIL.

4. Fifty-seven military observers of the United Nations Truce Supervision Organization assisted UNIFIL in the performance of its tasks. These unarmed officers are organized as Observer Group Lebanon and are under the operational control of UNIFIL Commander of UNIFIL. They man the five observation posts along the Lebanese side of the Israel-Lebanon armistice demarcation line. They also operate five mobile teams in that part of the area of operation which is controlled by Israel. Two military observers are assigned to UNIFIL headquarters.

5. Logistic support for UNIFIL was provided by the Swedish logistic battalion, elements of the French composite battalion, the Norwegian maintenance company, the Ghanaian engineer company, the Polish medical unit and the Italian helicopter unit and by some sections of the civilian staff, especially in the areas of communications and vehicle maintenance. UNIFIL employed 524 civilian staff, of whom 155 were recruited internationally and 369 locally.

6. The Force Mobile Reserve, a composite mechanized company, currently consisting of elements from seven contingents (Fiji, Finland, Ghana, Ireland, Nepal, Norway and Sweden), was frequently called upon to reinforce UNIFIL battalions when serious incidents occurred and also during rotations. One platoon of the Force Mobile Reserve has been deployed in the Nepalese battalion sector.

7. UNIFIL has completed the 10 per cent reduction of its military strength as provided by Security Council resolution 734 (1992). Posts for internationally recruited staff have been reduced by 17 per cent and those for locally recruited staff by 10 per cent.

8. I regret to report that one Irish and one Nepalese soldier lost their lives as a result of firing, and another Nepalese and an Irish soldier died of other causes. Twelve others suffered injuries as a result of firing or explosions. Since the establishment of UNIFIL, 190 military members of UNIFIL have died, 72 as a result of firing or by mine or bomb explosions, 79 in accidents and 39 from other causes. Two hundred and ninety-two have been wounded by firing or by mine or bomb explosions.

9. UNIFIL continued its programme of works at positions throughout its area of deployment in order to improve the protection of personnel and observation capabilities. The Force also adjusted the boundaries of the battalion sectors and relocated a number of positions in accordance with operational requirements. The construction work at the Ghanaian Battalion headquarters in the vicinity of Bir as Sanasil is nearing completion and the move of the headquarters is to take place shortly. Work continued on the new Irish Battalion headquarters near Tibnin.

10. UNIFIL continued to have difficulty in meeting its requirements in terms of land and premises for its checkpoints, observation posts and other installations. The main reason for this is that for several years the Government of Lebanon has failed to reimburse the owners of the properties used by UNIFIL. The last time such payments were made was in 1987. The difficulty has been compounded by the return of many Lebanese from abroad. This problem was again raised with the Lebanese authorities on many occasions.

11. UNIFIL maintained close contact with the Lebanese authorities on matters of mutual concern. With regard to the maintenance of law and order in the area of operation, UNIFIL continued its close cooperation with the Lebanese gendarmerie and facilitated its work during the elections in September 1992 when the gendarmerie's strength was temporarily increased. As in the past, UNIFIL's Force Commander maintained close contact with the Lebanese Army Commander.

Situation in the UNIFIL area of operation

12. Israel continued to control in southern Lebanon an area manned by the Israel Defence Forces (IDF) and the de facto forces (DFF), the

so-called "South Lebanon Army". The boundaries of the Israeli-controlled area (ICA) have not been clearly defined but are determined de facto by the forward positions of IDF and DFF. It includes territory adjacent to the armistice demarcation line, parts of the Fijian, Nepalese, Irish and Finnish battalion sectors and the entire Norwegian battalion sector, as well as sizeable areas to the north of UNIFIL's area of operation. Within the UNIFIL area of operation, IDF and DFF maintained 69 military positions, as shown on the attached map [*see end of volume*]. The map also indicates where ICA extends beyond the limits of UNIFIL's area of operation.

13. Within ICA, Israel continued to maintain, in addition to the de facto forces, a civil administration and a security service with broad powers to pursue suspected opponents of the Israeli occupation. Movement between ICA and the rest of Lebanon was strictly controlled and ICA remained largely dependent on Israel for economic assistance. An estimated 3,000 jobs in Israel were held by Lebanese from ICA. Access to such jobs was controlled by DFF and the security services.

14. UNIFIL continued to oppose attempts by armed elements to enter or operate within its area of deployment. At times, this led to friction at UNIFIL checkpoints, followed by harassment and threats directed at members of UNIFIL. Such cases were generally resolved through negotiations, with some notable exceptions, however. On 24 July, five Fijian soldiers sustained light injuries from the explosion of a roadside bomb as they were patrolling along the coastal road. On 29 September, an Irish soldier was shot and killed by armed elements who were returning from an attack on IDF/DFF. The soldier was a member of the detachment sent to reinforce a checkpoint near Safad which had been closed to the armed elements. On 12 November, armed elements opened fire on Nepalese soldiers south of Kafra. The soldiers returned fire in self-defence and fatally wounded one of the armed elements. In apparent revenge, armed elements a few hours later attacked position 5-15, killing a Nepalese soldier.

15. During the period under review, UNIFIL recorded 19 operations by resistance groups against IDF/DFF (1 in the latter part of July, 3 in August, 3 in September, 4 in October, 2 in November, 4 in December and 2 in the first half of January 1993). There were also reports of attacks against IDF/DFF positions north of the Litani River. In these operations, the armed elements employed rockets, mortars, rocket-propelled grenades and, a new development, AT-3 anti-tank missiles. The use of roadside bombs continued, especially in ICA.

16. In responding to such attacks, or initiating action themselves, IDF/DFF employed artillery, mortars, tanks and aircraft. Often, they fired into villages. Brashit (21 July), Kafra (30 July), Rashidiyah Camp (5 August), Al Qulaylah (2 August), Zibqin (27 September), Tyre (29 and 30 September) and Frun (5 January) were targets of such firing. Over 6,000 rounds of artillery mortar and tank fire were recorded as being fired by IDF/DFF during the reporting period.

17. A tense situation developed after the killing, on 25 October, of five Israeli soldiers by a roadside bomb close to the village of Kaoukaba in the Norwegian Battalion sector. IDF/DFF responded with heavy shelling and air strikes against targets north of the UNIFIL area of operation. According to published reports, two persons died as a result of these attacks. Armed elements, for their part, fired rockets into Israel, killing a young Israeli and wounding five at Qiryat Shimona. Following this, IDF brought up reinforcements to the border. A heightened state of tension persisted for several days.

18. A short time later, tensions rose even higher in a series of events which began with an Israeli air raid on 8 November, in which four persons were reportedly killed and four wounded in the southern Bekaa Valley. In response, rockets were fired into Israeli territory. On 9 November, a parachute flare, which was dropped from an Israeli aircraft, failed to ignite and fell down in Jwayya, injuring six persons. This incident, which was initially reported as an Israeli air attack, was followed by further rocket fire into northern Israel and the Israeli-controlled area. IDF reinforced its artillery in southern Lebanon - UNIFIL counted 64 pieces - and subjected the area to heavy shelling. IDF also brought reinforcements up to the border, including tank units. The firing in the area decreased gradually and tension subsided during the third week of November as the IDF reinforcements were being withdrawn.

19. During the reporting period, there were 242 instances of firing by IDF/DFF at or close to UNIFIL positions. This is an increase of 67 over the number mentioned in my previous report. A number of firings were unprovoked from any source but the purpose of the firings was clearly directed close to UNIFIL positions. Deliberate firing close to UNIFIL's positions has been the subject of frequent protests to the Israeli authorities.

20. As in the past, UNIFIL detonated mines, roadside bombs and unexploded remnants of war, and dismantled ordnances of various types in the area of deployment. One hundred and eighty controlled explosions were carried out.

21. UNIFIL continued to extend humanitarian assistance to the civilian population in its area, to the extent possible within available resources. Such assistance was provided in the form of medical supplies, water, clothes, food, fuel, electricity, engineering work, repairs to buildings damaged as a result of fighting and escorts to farmers. In addition, water projects, equipment or services for schools and gifts of supplies to social services and needy people were provided from resources made available by troop-contributing Governments. UNIFIL medical centres and mobile teams provided care to an average of 2,000 civilian patients per month and a field dental programme was also provided. UNIFIL cooperated closely on such matters with the Lebanese authorities, the United Nations Development Programme and other United Nations agencies and programmes operating in Lebanon, the International Committee of the Red Cross and non-governmental organizations. UNIFIL personnel contributed some US$ 11,000 for humanitarian work.

Financial aspects

22. By its resolution 47/205 of 22 December 1992, the General Assembly authorized the Secretary-General to enter into commitments for UNIFIL at a rate not to exceed $12,190,000 gross ($11,931,500 net) per month for the period beginning 1 February 1993, should the Security Council decide to continue UNIFIL beyond the period of six months authorized under its resolution 768 (1992). In the event the Council decides to extend UNIFIL beyond its current mandate period, the costs to the United Nations for maintaining UNIFIL during the extension period would be within the commitment authorized by the Assembly in its resolution 47/205, assuming an average maximum force strength of 5,250 troops and continuance of UNIFIL's existing responsibilities.

23. At the beginning of January 1993, unpaid assessed contributions to the UNIFIL Special Account for the period since the inception of UNIFIL through 31 January 1993 amounted to $228.1 million.

Observations

24. During the last six months, southern Lebanon has witnessed periods of high tension, and the events described in the present report highlight the volatility and unpredictability that continue to characterize the situation in the area.

25. UNIFIL continued, to the best of its abilities, to prevent its area from being used for hostile activities. It also did what it could to protect

the inhabitants from the effects of the conflict. In carrying out its tasks, it was again severely hampered by the amount of firing directed at UNIFIL itself, killing two members of UNIFIL. I reiterate my appeal to all parties concerned to respect UNIFIL's international and impartial status. It is equally important that they show proper regard for the lives of non-combatant men, women and children.

26. The hostilities that have taken place in the UNIFIL area of operation have again drawn attention to Israel's occupation of parts of southern Lebanon, which has continued despite the Security Council's repeated calls for Israel's withdrawal. As a consequence, UNIFIL has continued to be prevented from implementing its mandate.

27. Israel's general attitude to the situation in southern Lebanon and to UNIFIL's mandate remains as described in previous reports. The Israeli authorities state that Israel has no territorial claims in Lebanon and that the "security zone" is a temporary arrangement. In their view, such an arrangement is needed for the purpose of ensuring the security of northern Israel so long as the Lebanese Government is not able to exercise effective authority and prevent its territory from being used to launch attacks against Israel. The Israeli authorities further consider that all issues between Israel and Lebanon should be dealt with in the bilateral talks within the framework of the peace talks, leading to a peace treaty between the two countries.

28. For its part, the Government of Lebanon has expressed its impatience and anger at Israel's continuing occupation of Lebanese territory and has emphasized its insistence on the full implementation of resolution 425 (1978) and subsequent resolutions of the Security Council. Lebanon's position is outlined in a letter which its Permanent Representative to the United Nations addressed to me on 18 January 1993 [*S/25125*]. In that letter, the Permanent Representative also informed me of his Government's decision to request the Security Council to extend UNIFIL's mandate for a further period of six months.

29. Although UNIFIL has not been able to make progress towards the implementation of its mandate, its contribution to stability and the protection it is able to afford the population of the area remain nevertheless important. I therefore recommend that the Security Council accept the Lebanese Government's request and extend UNIFIL's mandate for another period of six months, that is, until 31 July 1993.

30. In making this recommendation, I must again draw attention to the serious shortfall in the funding of UNIFIL. At present, unpaid assessments amount to some $228 million. This represents money owed to Member States which contribute troops who make up UNIFIL. I appeal to all Member States to pay their assessments promptly and in full and to clear all remaining arrears.

31. In conclusion, I wish to pay tribute to Lieutenant-General Lars-Eric Wahlgren and to the men and women under his command, both military and civilian, for the manner in which they have carried out their difficult and often dangerous task. Their discipline and bearing have been of a high order, reflecting credit on themselves, on their countries and on the United Nations.

DOCUMENT S/25150/ADD.1

[*Original: English*]
[*26 January 1993*]

1. Further to my report of 22 January 1993 on the United Nations Interim force in Lebanon (UNIFIL) [*S/25150*], I wish to report that UNIFIL and the Lebanese Army have reached agreement on the modalities for the hand-over to the latter of an area comprising the villages of Marakah, Jinnata and Yanuh in the Ghanaian battalion sector.

2. It will be recalled that a similar hand-over took place last year in the same sector [*see S/23452, para. 13*]. Marakah, where the Ghanaian battalion has its headquarters, was not included in that hand-over. The move of the headquarters to a new site near Bir as Sanasil, which is expected to take place next month, now makes this further step possible.

3. I need not emphasize that the hand-over is in keeping with UNIFIL's mandate, which requires it to assist the Government of Lebanon in ensuring the return of its effective authority in UNIFIL's area of operation. It is another small step forward.

DOCUMENT S/25151

Letter dated 22 January 1993 from the representative of Denmark to the Secretary-General

[*Original: English*]
[*25 January 1993*]

I have the honour to transmit herewith the text of a statement on the situation in Angola issued by the European Community and its member States on 22 January 1993.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the Security Council.

(*Signed*) Bent HAAKONSEN
Permanent Representative of Denmark
to the United Nations

TEXT OF THE STATEMENT

[*Original: English/French*]

The European Community and its member States deplore the outbreak of widespread and fierce fighting in Angola and the heavy losses of human lives incurred. They appeal strongly to the Government and to UNITA [*National Union for the Total Independence of Angola*] to bring an end to the fighting, which constitutes a serious set-back for the peace process that culminated in the free and fair elections of September 1992. They also appeal to the countries in the region to refrain from any act that could contribute to an internationalization of the present conflict in Angola.

A solution to Angola's problem cannot be found on the battleground. A general cease-fire is the first and immediate requirement. On this basis they regret the refusal by UNITA to attend a meeting of military leaders due to have taken place in Addis Ababa last week thus jeopardizing the efforts of the Secretary-General of the United Nations and his Special Representative and the observers to the peace process and they urge UNITA to reconsider that decision.

The Community and its member States reiterate their earlier appeals to the parties, in particular UNITA, to abide by the results of the elections, observe the Bicesse Peace Accords and resume the demobilization process. In this context, they urge the President of Angola and the UNITA leader to respond positively to the Secretary-General's call for an early meeting between them.

The Community and its member States consider that the United Nations should continue to play a key role in restoring and maintaining peace in Angola. They look forward to the report of the Secretary-General on the future role of UNAVEM. In the light of this report, the United Nations Security Council should consider the role and mandate of UNAVEM and the possibilities of strengthening the United Nations involvement in the peace process. However, it must be underlined that cessation of hostilities and genuine willingness to reopen the political dialogue are prerequisites for a meaningful United Nations contribution.

The Community and its member States reiterate their readiness to provide humanitarian assistance to Angola and, once the peace has been restored, to contribute to programmes of reconstruction.

DOCUMENT S/25154

Letter dated 24 January 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*25 January 1993*]

I have the honour to transmit herewith a letter from Mr. Radoje Kontic, Vice-President of the Federal Government.

I should be grateful if you would have the present letter and the attachment circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 24 JANUARY 1993 FROM THE VICE-PRESIDENT OF THE FEDERAL GOVERNMENT OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Allow me to express my gratitude for the urgency with which you have taken up the problem of the aggression of the Republic of Croatia against United Nations Protected Areas - the Republic of Serbian Krajina - for consideration in the Security Council, but to our great disappointment your warnings have not borne fruit. It was as though the reaction of the Security Council meant an encouragement for the Republic of Croatia to expand its military operations thus threatening to provoke conflicts in the territory of the former Socialist Federal Republic of Yugoslavia and the Balkans of such proportions that escape any control.

Instead of withdrawing to their original positions, the Croatian forces have reinforced their troops with additional forces, tanks and heavy artillery. They are again inflicting suffering on the innocent civilian population, causing the destruction of Serbian settlements, while columns of refugees are again forced to leave their homes. The 500 civilians and about 150 members of the militia who were killed, as well as the hundreds of wounded on the Serbian side, speak convincingly of the proportions of the aggression.

The current aggression is in violation of the Vance plan and the decisions of the London Conference, as well as the peace negotiation process in Geneva. It also endangers the decisions of the Security Council and violates the basic principles of the Charter of the United Nations, and as such represents a direct challenge to both the Security Council and the international community. This aggression demands an urgent reaction from the Security Council and the adoption of corresponding decisions which will not only demand that the aggressor withdraw from the attacked territories but also adequately punish it, as provided by the Charter, in particular Chapter VII thereof.

The population of the Republic of Serbian Krajina has already placed its trust in the United Nations. Today even the United Nations Protection Force troops are no longer safe against the ruthless Croatian aggression.

I kindly ask you to exert your utmost efforts in halting the Croatian aggression against the Republic of Serbian Krajina. The Federal Republic of Yugoslavia, as a party to the Vance plan, feels responsible to react in accordance with this plan and respond adequately to this and all similar aggressions. It is the duty of the Federal Republic of Yugoslavia to act energetically and protect these regions and its population. In this context, the Federal Republic of Yugoslavia is prepared, as it has always been, to cooperate most closely with the Security Council in resisting this and all similar aggressions. In case the Security Council is unable, due to technical reasons, to immediately undertake the necessary protection measures, the Federal Republic of Yugoslavia expresses its full readiness to put its forces at the disposal of the Security Council on the basis of the Security Council decision. The Federal Republic of Yugoslavia is entitled, obliged and authorized to do it, as a party to the Vance plan.

With a view to preventing the spread of war, I ask you to convene urgently the session of the Security Council which will resolutely condemn the Croatian aggression and order the troops of the Republic of Croatia to immediately stop all military operations and withdraw to their original positions.

Please accept the assurances of my highest consideration.

Radoje KONTIC
Vice-President

DOCUMENT S/25155

Letter dated 22 January 1993 from the representative of Angola to the Secretary-General

[*Original: English*]
[*25 January 1993*]

I have the honour to transmit the following letter from Mr. Eduardo dos Santos, President of Angola, and request that it be circulated as a document of the Security Council.

(*Signed*) Afonso VAN-DUNEM "MBINDA"
Permanent Representative
of Angola to the United Nations

LETTER DATED 21 JANUARY 1993 FROM THE PRESIDENT OF ANGOLA ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to address you, on behalf of the Government of Angola, to request that the Security Council extend the mandate of the United Nations Angola Verification Mission II (UNAVEM II), which expires on 30 January 1993, in order to ensure a full implementation of the Peace Accords for Angola.

I had the opportunity, on several occasions, to discuss with you, directly or through your Special Representative, Miss Margaret Anstee, the essential points regarding the attributions of the mandate of that mission for the peacetime, post-election phase in Angola.

Unfortunately, the Uniao Nacional para a Independência Total de Angola (UNITA), represented by its leader, Mr. Jonas Savimbi, has not unequivocally accepted the results of the 29 and 30 September elections, which were considered to be free and fair by the United Nations, and has restarted the war with the intent to attain power through undemocratic means.

I trust that the escalation of military action across our national territory will justify the need to update the UNAVEM mandate and to reinforce its presence in Angola, in modalities to be agreed upon, so that it can continue to participate in the efforts of the Government and the international observers to re-establish the peace process and ensure compliance with the Bicesse Accords.

(*Signed*) Jose Eduardo dos SANTOS

DOCUMENT S/25158[*]

Letter dated 25 January 1993 from the representative of Greece to the Secretary-General

[*Original: English*]
[*25 January 1993*]

With reference to the application for membership circulated in document S/25147 of 22 January 1993, I have the honour to forward herewith a letter dated 25 January 1993 addressed to you by the Minister for Foreign Affairs of Greece, Mr. Michael Papaconstantinou.

I should be grateful if the text of the present letter and the attachment could be urgently circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Antonios EXARCHOS
Permanent Representative
of Greece to the United Nations

LETTER DATED 25 JANUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF GREECE TO THE SECRETARY-GENERAL

I refer to the application for membership in the United Nations of the former Yugoslav Republic of Macedonia, and I have the honour to urgently draw your attention to a memorandum reflecting the views and position of the Government of Greece on this matter.

I would appreciate it if you could bring this letter and the memorandum attached hereto to the attention of the President of the Security Council.

(*Signed*) Michael PAPACONSTANTINOU
Minister for Foreign Affairs
of Greece

ANNEX

Memorandum concerning the application of the former Yugoslav Republic of Macedonia for admission to the United Nations

(*New York, 25 January 1993*)

1. Greece believes that the application of the former Yugoslav Republic of Macedonia for admission to membership in the United Nations under the denomination mentioned in its application introduces an element of further destabilization of the southern Balkans both in a short and a long term perspective. Therefore, strongly objecting to this membership, Greece feels obliged to forward to the Security Council a number of pertinent considerations which point to the conclusion that the applicant should not be admitted to the United Nations prior to a settlement of certain outstanding issues necessary for safeguarding peace and stability, as well as good neighbourly relations in the region. When such a settlement is reached Greece would not oppose the admission to the United Nations of the former Yugoslav Republic of Macedonia and, indeed it would be ready to extend recognition and establish co-operation with this neighbouring country.

2. In its request for admission to the United Nations the the former Yugoslav Republic of Macedonia includes on the one hand a purported commitment to accept and observe all obligations deriving from the Charter of the United Nations and, on the other, a claim that its admission to United Nations membership would contribute towards a peaceful solution of the crisis in the territory of former Yugoslavia.

3. Whereas these are welcome declarations, nevertheless, past experiences and practices, as well as the constituent acts and policies of the new Republic raise serious concerns about its willingness to fulfil the obligations arising from the Charter.

4. The new Republic emerged as successor to the former Yugoslav Federative Republic of Macedonia. The philosophy of its Constitution, adopted on 17 November 1991, is based, *inter alia*, on the principles and the constituent declarations of that federative State which were endorsed in August 1944 by the "Antifascist Assembly of the National Liberation of Macedonia" (ASNOM). In these declarations, cited in the preamble to the Constitution, there are direct references to the annexation of the Macedonian provinces of Greece and Bulgaria, and to the establishment eventually of a greater Macedonian State within the Yugoslav Federation (see appendix I).

5. In the 1940s, Tito's Yugoslavia, with the "People's Republic of Macedonia" in the vanguard, tried to accomplish these aims by supporting a communist uprising in Greece (which resulted in a three-year civil war) as a means of annexing Greek Macedonia. When the annexation of Greek lands failed in 1948, efforts continued in order to undermine Greek sovereignty over Greek Macedonia by attempts to monopolize the Macedonian name, thus staking a lasting claim to Greek territories and, indeed, to Greek Macedonian heritage. It is worth recalling that this question had been on the agenda of the Security Council and the General Assembly from 1946 to 1950 under the heading "The Greek Question" (see appendix II).

6. For 40 years such practices poisoned good neighbourly relations and stability in the region, particularly since officials of the Republic continued, up to the disintegration of Yugoslavia, to express expansionist views. After the collapse of the former Yugoslavia these extreme expansionist claims by nationalists in Skopje took stronger impetus.

7. It is on such grounds and on such precedents that the former federative Republic in Skopje proclaimed itself independent in 1991 and is now seeking admission to the United Nations.

8. Since the declaration of independence, a series of initiatives taken by the authorities of Skopje have shown that there is a clear link and continuity of aims and actions in particular against Greece. Reference has already been made to the Constitution of the former Yugoslav Republic of Macedonia which is based on the principles of ASNOM of 1944. In this Constitution there are also references to the possibility of changing of borders - while the former Yugoslav Republic of Macedonia's territory remains "indivisible and inalienable" (article 3) - and intervening in the internal affairs of neighbouring States on the pretext of issues concerning "the status and the rights" of alleged minorities (article 49). There are numerous indications that the expansionist propaganda aimed at the neighbouring Macedonian province of Greece continues unabated. This is shown, in particular, through the wide circulation within the former Yugoslav Republic of Macedonia of maps portraying a greater Macedonia, i.e. incorporating parts of the territory of all its neighbouring States, and of hostile literature usurping Greek symbols and heritage. As recently as August 1992, the authorities in Skopje affixed on the new flag of the Republic the emblem of the ancient Macedonian dynasty found in Greece in the tomb of King Philip (see appendices III to VI).[**]

9. These are just a few examples which show that at this turning point, when the applicant is seeking membership in the United Nations, its authorities have not abandoned their long cherished ambitions to claim neighbouring territories.

10. The name of a State is a symbol. Thus, the fact that the authorities in Skopje have adopted the denomination "Republic of Macedonia" for their State is of paramount significance. It is important to note that they have explicitly adopted the name of a wider geographical region extending over four neighbouring countries, with only 38.5 per cent to be found in the territory of the former Yugoslav Republic of Macedonia. This fact by itself clearly undermines the sovereignty of neighbouring States over their respective Macedonian regions. To be precise, 51.5 per cent of the Macedonian geographical region is in Greece, with a population of over 2.5 million people, while the remaining 10 per cent is in other neighbouring States. Moreover, the territory of the former Yugoslav Republic of Macedonia, with the exception of a narrow strip in the south, had never been part of historic Macedonia. Nevertheless, the former Yugoslav Republic of Macedonia insists on monopolizing the Macedonian name in the denomination of the State, and thus pretends to be the sole title-deed holder of a much wider geographical region. There is no doubt that the exclusive use of the Macedonian name in the Republic's official denomination would be a stimulus for expansionist claims not only by present nationalist activists in Skopje but by future generations as well. After all, the name conveys in itself expansionist visions both over the land and the heritage of Macedonia through the centuries.

11. To prevent such destabilizing situations from threatening peace and good neighbourly relations in the area, the European Community, to which the former Yugoslav Republic of Macedonia applied for recognition, has set prerequisites for the recognition of the applicant by the Community and its member States. These prerequisites are cited in the following Security Council documents: S/23293 of 17 December 1991, S/23880 of 5 May

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[*] Circulated under the double symbol A/47/877-S/25158.

[**] Appendices III to VI are not reproduced in the present *Supplement*, they may be consulted in the files of the Secretariat.

1992, S/24200 of 29 June 1992 and S/24960 of 14 December 1992. Briefly, they stipulale that the former Yugoslav Republic of Macedonia should provide the necessary legal and political guarantees that it will harbor no territorial claims against Greece, that it will abstain from any hostile propaganda against this country and that it will not use the term Macedonia in the State's denomination. Unfortunately, the former Yugoslav Republic of Macedonia has failed to comply.

12. During the past year, Greece has conveyed to Skopje, on a number of occasions, its sincere determination to proceed with the development of all-round economic and political cooperation with the neighbouring Republic, as soon as the former Yugoslav Republic of Macedonia has adopted the foregoing European Community prerequisites for recognition. Moreover, Greece has taken the initiative so that all neighbouring States of the former Yugoslav Republic of Macedonia make public declarations recognizing and guaranteeing as inviolable their respective frontiers. Furthermore, Greece has supported European Community initiatives to provide humanitarian and economic aid to this Republic, while the Greek Prime Minister publicly extended a hand of cooperation to Skopje. In addition, Greece has supported a recent effort by the European Community and individual members of the Community in seeking a peaceful way to settle the problem.

13. Unfortunately, the authorities of Skopje have persisted in pursuing an inflexible and uncooperative attitude by rejecting all proposals aiming at a peaceful settlement of the outstanding issues.

14. It is in the competence of the Security Council not only to resolve disputes but also to take necessary actions to prevent them as well. This is a clear case where preventive diplomacy is urgently needed. All efforts and all proposals in this direction should be explored. It should be noted that there have been cases in which application for membership has been subjected to prior fulfillment of certain conditions in the interest of peace and security.

15. Greece wishes to point out that the admission of the former Yugoslav Republic of Macedonia to United Nations membership before it meets the necessary prerequisites, and in particular before it abandons the use of the denomination "Republic of Macedonia", would perpetuate and increase friction and tension and would not be conducive to peace and stability in an already troubled region. Under these circumstances, Greece regretfully would not be able to recognize this Republic.

16. Greece strongly believes in maintaining good relations and enhancing cooperation with all its neighbours while attaching primary importance to the peaceful solution of disputes arising between them. It is confident that the Security Council, as the custodian of world peace and stability, will take all appropriate steps and measures for the settlement of the issue on hand, in a way to prevent developments which might impede a constructive solution through peaceful means. Finally, it expresses its readiness to offer its full support to the Security Council in its efforts towards this objective.

APPENDIX I

Proclamations of the Anti-Fascist Assembly of the National Liberation of Macedonia (ASNOM), Skopje, August 1944

Manifest issued at the first session of the Anti-Fascist Council of the National Liberation of Macedonia to the people of Macedonia, 2 August 1944

Macedonians under Bulgaria and Greece,

The unification of the entire Macedonian people depends on your participation in the gigantic anti-Fascist front. Only by fighting the vile Fascist occupier will you gain your right to self-determination and to unification of the entire Macedonian people within the framework of Tito's Yugoslavia, which has become a free community of emancipated and equal peoples. May the struggle of the Macedonian Piedmont incite you to even bolder combat against the Fascist oppressors!

Proclamation to the people of Macedonia issued by the Communist Party of Macedonia, 4 August 1944

People of Macedonia!

In the course of three years of combat you have achieved your unity, developed your army and laid the basis for the federal Macedonian State. With the participation of the entire Macedonian nation in the struggle against the Fascist occupiers of Yugoslavia, Bulgaria and Greece you will achieve unification of all parts of Macedonia, divided in 1915 and 1918 by Balkan imperialists.

APPENDIX II

Excerpt from the 1949 Report of the United Nations Special Committee on the Balkans (Official Records of the General Assembly, Fourth Session, Supplement No. 8 (A/935) referring to Yugoslav support of claims for the detachment of Greek Macedonia and the establishment of a unified Macedonia

"35. In its report of 30 June 1948 to the General Assembly, the Special Committee noted certain basic issues between Greece and her three northern neighbours, many of which have been of long duration. ... More recently, it has taken note of certain recent developments in the Macedonian question. Radio broadcasts, newspapers and statements of public officials in Bulgaria and Yugoslavia have continued to support conflicting claims for the detachment of 'Greek' or 'Aegean' Macedonia from Greece and for the establishment of a unified Macedonia in some form or another ... The Special Committee also noted the statement of the Slavo-Macedonian National Liberation Front (NOF) of 3 February 1949, favouring the 'union of Macedonia' as an 'independent and equal Macedonian State' within 'the confederation of democratic Balkan peoples' ..."

DOCUMENT S/25159

Letter dated 25 January 1993 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*25 January 1993*]

I have the honour, upon the instructions of my Government and following my letter dated 22 January 1993 [*S/25145*], to inform you that the limited action of the Croatian Police forces and Croatian Army units on the territory of the Republic of Croatia - within the so-called "pink zones" - aimed at securing the perimeter of the Maslenica-bridge rebuilding site, has been terminated upon completion of its goals.

The Government of Croatia deeply deplores the tragic loss of life of two members of the French battalion of UNPROFOR [*United Nations Protection Force*] who were caught in the cross-fire during the said conflict, and hopes that an independent investigation will be conducted to shed light on the events that have led to their deaths. We wish to inform the members of the Security Council that the Croatian Army units have given full protection to the UNPROFOR units in the perimeter of intervention, and had assisted in transferring the French battalion from this area.

The Croatian Government is gravely concerned by the seizure of heavy weapons - that were under UNPROFOR protection and within its custody - by the Serbian paramilitary units illegally operating in the UNPAs [*United Nations Protected Areas*] and "pink zones" on the territory of the Republic of Croatia. We believe that this action of Serbian insurgents is undermining one of the basic pillars of the Vance plan. The Government of Croatia for months now has been reiterating its call that the provisions of Security Council resolution 779 (1992), including the "withdrawal and the disarming of all forces, including paramilitary forces" in the UNPAs be carried out.

Since UNPROFOR forces have not been able to implement this request of the Security Council, this has resulted in non-implementation of the most important element of the United Nations peace plan: the voluntary return of refugees and displaced persons. Ultimately, this has resulted in ever-expanding numbers of displaced persons in Croatia (after the total eviction of the Croatian population from these regions); and constant instability of the UNPAs and immediately adjacent regions ("pink zones"). Limited success of the mandate of UNPROFOR and failure to proceed with the implementation of the United Nations peace plan as a whole, is constantly sending a wrong message to the insurgent authorities of the so-called "Krajina" in Knin and elsewhere, and to all of the Serbian nationalists and extremist paramilitary forces. They have expanded their occupation of the territory of the Republic of Croatia, and have constantly been fortifying their positions.

The action of Croatian authorities has been carried out within the "pink zones". We have to reiterate that the legal and political status of those "entities" is considerably different than those of the UNPAs. In the original provisions of the United Nations peace plan, that is to be found in Security Council resolution 743 (1992), the "pink zones" are never mentioned, and did not exist as a concern or even consideration of the Council. However, in resolution 762 (1992) these vaguely defined "entities" were added to the peace plan, as a temporary and provisional measure. These parts of the Croatian territory were to be returned to the authority of the Government of Croatia as soon as UNPROFOR assumed responsibility within UNPA Sectors South and North and the Croatian Government issued the Amnesty Act [*resolution 762 (1992),* *para. 5; S/24188, para. 16*]. Both of those provisions have long been met. Yet, UNPROFOR, owing to the obstruction by the Serbian side, has not been able to act accordingly.

My Government highly appreciates all the confidence-building measures and actions undertaken by UNPROFOR and other United Nations officials, especially towards the opening of the communication routes on the territory of the Republic of Croatia. Unfortunately, all of these efforts have proven fruitless, as experienced in the UNPA Sector West. As provided for in Security Council resolution 769 (1992), UNPROFOR has been given a mandate to establish control of the international borders of the Republic of Croatia towards Serbia and towards Bosnia and Herzegovina. That has not been implemented.

Finally, I have to reiterate the view of my Government, that the legitimate authorities of one country cannot be regarded as aggressors on their own territory. The action had been undertaken by police and military units of Croatia in accordance with the relevant provisions of the Security Council resolutions, and did not pose a threat to the civilian population living in the "pink zone" or UNPA Sector South at any time. The action was limited in its range, and has stopped after achieving its legitimate goal, which was clearly within the framework of establishing the necessary and essential living conditions for the population of Croatia as a whole.

The Republic of Croatia deplores in the strongest possible manner the assertions stated in the letter dated 24 January 1993 by Mr. Radoje Kontic, "Vice-President of the Federal Government" of the Federal Republic of Yugoslavia (Serbia and Montenegro) about "ruthless Croatian aggression ... against the Republic of Serbian Krajina". We would like to reiterate that the territory in question is within the legitimate and internationally recognized international Croatian borders, and is thus an indivisible part of the Republic of Croatia. The letter manifestly demonstrates that the authorities in Belgrade lay claim to the territory of another sovereign and internationally recognized State Member of the United Nations. Therefore, if the term "aggression" is to be used, it can only apply to the militant and expansionist policy of the Belgrade authorities. We deem it necessary to reiterate that the Croatian people and their Government reserve the right to protect and defend the entire territory of the Republic of Croatia from any foreign military aggression, and are ready to use all necessary means to fulfil this task.

The immediate return of the heavy weaponry that is now in the hands of Serbian paramilitary units - thus once again posing serious threats to the stability in the region and to the civilian population of the city of Zadar and surrounding areas - to the custody of UNPROFOR, is of utmost importance. It will be one of the primary criteria of the Croatian Government when re-examining the mandate of the United Nations peace-keeping operation upon its completion in late February 1993.

I would kindly ask for your assistance in distributing this letter as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

DOCUMENT S/25161

Letter dated 25 January 1993 from the representative of Angola to the President of the Security Council

[*Original: English*]
[*25 January 1993*]

I have the honour to transmit a letter from President Jose Eduardo dos Santos requesting that an urgent meeting of the United Nations Security Council be convened.

(*Signed* Afonso VAN-DUNEM "MBINDA"
Permanent Representative
of Angola to the United Nations

LETTER DATED 24 JANUARY 1993 FROM THE PRESIDENT OF THE REPUBLIC OF ANGOLA ADDRESSED TO THE SECRETARY-GENERAL

It is with profound indignation that I hereby inform you that the South African Army has been involved in military action against the Angolan people and their elected government, together with the UNITA [*National Union for the Total Independence of Angola*] forces, in flagrant violation of the New York accord of 22 December 1988 [*S/20346, annex*]. At the same time, Zairean soldiers and mercenaries of different nationalities are combating alongside UNITA against the government forces, thus creating a new and dangerous side to the conflict, characterized by significant acts of aggression by outside forces, which can have unforeseeable consequences and threaten the peace and stability in the central and southern regions of Africa.

Several soldiers of Zairean nationality were killed and a South African aircraft used for logistical support was shot down during the fighting.

Concerned about the gravity of this intolerable situation, and in the light of the Charter of the United Nations, the Government of the Republic of Angola being a full member of the United Nations, I request that you urgently convene the Security Council, to discuss this situation and take appropriate measures to restore peace and stability.

I would appreciate your having this letter circulated as a document of the United Nations.

(*Signed*) Jose Eduardo dos SANTOS
President of the Republic of Angola

DOCUMENT S/25164[*]

Letter dated 26 January 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*26 January 1993*]

I have the honour to transmit herewith a letter from Mr. Radoje Kontic, Vice-President of the Federal Government of Yugoslavia to you.

I should be grateful if you would have the present letter and the attachment circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 26 JANUARY 1993 FROM THE VICE-PRESIDENT OF THE FEDERAL GOVERNMENT OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

By its decisions and its resolutions 752 (1992) and 757 (1992), the Security Council imposed obligations and sanctions on the Federal Republic of Yugoslavia, pursuant to Chapter VII of the Charter of the United Nations, which were subsequently tightened under resolution 787 (1992).

Notwithstanding the unilateral and unfair nature of the imposed sanctions, the Federal Republic of Yugoslavia has actively participated in the efforts to meet fully all requirements laid down under the said Security Council resolutions:

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[*] Incorporating document S/25164/Corr 1 dated 2 February 1993

- It is actively involved in the negotiating process within the International Conference on the Former Yugoslavia and has been resolutely pressing for an absolute cease-fire in Bosnia and Herzegovina and an overall settlement based on an agreement between the three constituent nations;

- All Yugoslav Army units had withdrawn from the territory of Bosnia and Herzegovina by 21 May 1992, while the border between the Federal Republic of Yugoslavia and Bosnia and Herzegovina was placed under direct control in order to prevent any military interference and movement of possible paramilitary formations;

- The Federal Republic of Yugoslavia accepted in the talks held at Geneva on 2 and 3 January 1993 the constitutional principles for Bosnia and Herzegovina and resolutely urged their acceptance also by the delegation of Bosnian Serbs, as well as by the Assembly of the Serbian Republic. This has significantly enhanced the chances for the cessation of the war in Bosnia and Herzegovina and the further settlement of the crisis in Bosnia and Herzegovina by peaceful means.

The Government of the Federal Republic of Yugoslavia had through certain concrete measures already paved the way for such a development:

- It declared that it was resolutely opposed to the use of force as a means of changing borders between countries;

- It stated clearly that it had no territorial claims on its neighbours;

- It expressed its readiness to engage in direct talks with the republics of the former Socialist Federal Republic of Yugoslavia with a view to resolving all outstanding issues and regulating mutual relations, including mutual recognition (it recognized Slovenia);
- It condemned categorically the practice of "ethnic cleansing" in any form and by any party;

- It established the Ministry of Human Rights and is actively cooperating with efforts to protect and promote human rights in its own territory and in the broader territory of the former Socialist Federal Republic of Yugoslavia;

- It has initiated talks and contacts conducive to resolving the situation and problems related to Kosovo and Metohija and accepted the mission of long duration of the Conference on Security and Cooperation in Europe;

- It made a special effort to ensure the delivery of humanitarian aid and with that aim in mind urged that the shelling of Sarajevo be discontinued and the Sarajevo Airport be reopened and offered the services of Belgrade Airport free of charge;

- It opted for broad-based cooperation with the United Nations Protection Force (UNPROFOR) and set up a State Committee for the purpose;

- It organized early and democratic parliamentary elections at republican and federal levels ensuring the extensive presence of foreign observers, etc.

All the above-mentioned activities undertaken by the Federal Republic of Yugoslavia to date have been seriously hampered by the persistent involvement of the Republic of Croatia in armed clashes in the former Bosnia and Herzegovina and in the zones currently controlled by UNPROFOR, a fact to which we have repeatedly drawn attention.

The sanctions have adversely affected all sections of the population and particularly the 600,000 refugees from the war-torn areas of the former Socialist Federal Republic of Yugoslavia which have not received even the minimum of relief aid from the world community. The disastrous implications of the sanctions on the living standards and the health status of our citizens as well as their devastating impact in the sphere of science, culture, sports, air traffic and other areas have been brought to the attention of the Security Council on a number of occasions by the top-ranking officials of the Federal Republic of Yugoslavia. To put it briefly, as a direct consequence of economic sanctions, a major part of the population is already living below subsistence level and the overall living conditions have become unbearable.

We cannot find any reasonable explanation to account for the way in which the Security Council has ignored the numerous appeals of the Yugoslav Government for the alleviation of the sanctions in the area of humanitarian needs.

As the Federal Republic of Yugoslavia has fulfilled almost all the requirements which are within its competences and its powers, and bearing in mind the progress made so far within the Geneva process towards the earliest possible cessation of the war in Bosnia and Herzegovina, and ending the grave drama in this area, we feel we have every right to ask you to initiate, within the Security Council, the procedure for the lifting of the sanctions against the Federal Republic of Yugoslavia. To that end, we are at your disposal and we offer you our full collaboration.

Confident that you personally as well as the Security Council will devote due attention to this request, we should like to reassure you that the Federal Republic of Yugoslavia will remain consistent in its commitment and efforts to reach, through political negotiations, a lasting and just settlement of all the problems in the territory of the former Socialist Federal Republic of Yugoslavia.

Radoje KONTIC
Vice-President

DOCUMENT S/25166

Note verbale dated 11 January 1993 from the Ministry of Foreign Affairs of Georgia to the Secretary-General

[*Original: English/Russian*]
[*26 January 1993*]

The Ministry of Foreign Affairs of the Republic of Georgia presents its compliments to the Secretary-General of the United Nations and has the honour to transmit the report of Mr. Kavsadze, envoy of the Head of State of the Republic of Georgia, Mr. E. Shevardnadze, to the Security Council on the situation in Georgia.

We would greatly appreciate it if this report could be circulated as a document of the Security Council.

ANNEX

The Abkhaz conflict in the Republic of Georgia: report by Mr. Sandro Kavsadze, official representative of Mr. E. Shevardnadze, President of Parliament and Head of State of the Republic of Georgia

[*Original: Russian*]

Exactly one year has passed since the authoritarian regime in Georgia was overthrown and the Republic set out to build a free, democratic State. Since then, the situation has been extremely tense. An especially grave state of affairs emerged in the western parts of Georgia, particularly Abkhazia. Here were concentrated armed bands which terrorized the local population and committed acts of sabotage - blowing up bridges and tunnels, damaging the railway and so on.

In these circumstances, the Georgian authorities had to take measures to neutralize the bands and establish law and order. It must be pointed out that these actions by the Government of the Republic of Georgia were not supported by certain local leaders in Abkhazia, as a result of which that part of western Georgia was in fact transformed into a sanctuary and a bridgehead for groups of terrorists and bandits. Heading the local authorities was a former deputy of the Supreme Soviet of the USSR, Mr. V. Ardzinba. He was an active member of the "Union" bloc and was in charge of operations, together with Mr. Zhirinovsky, leader of the Russian Liberal Democratic Party.

It is well known that the Union bloc and the party headed by Zhirinovsky comprised the most active opponents of democratic reforms and transformations in the Russian Federation.

As President of the Supreme Council of the Abkhaz Autonomous Republic, Ardzinba and his accomplices, not acknowledging the supremacy of the laws of the Republic of Georgia and acting from a position of strength, pursued a policy that ran counter to those laws and also the laws of the Abkhaz Autonomous Republic. Under the law on elections, Georgians, constituting 46 per cent of the population in Abkhazia, were represented in the Supreme Council of the Abkhaz Autonomous Republic by 26 deputies, while the Abkhaz, who made up only about 18 per cent of the population, were represented by 28 deputies. The remaining inhabitants (i.e., 36 per cent) of Abkhazia were represented by 11 deputies. That ratio enabled Ardzinba and his supporters to pursue a policy of apartheid. The leading positions, in violation of the lawfully established rules, were filled predominantly by Abkhaz. The unlawful dismissal of the Minister for Internal Affairs of Abkhazia, a Georgian national, caused public outrage throughout the Republic. The illegal decision was backed by force: fighters supporting Ardzinba carried out a massacre in the Ministry of Internal Affairs, causing bodily harm to the Minister himself.

At the initiative of Mr. Ardzinba, an Abkhaz national guard was formed. That unlawful armed formation was, furthermore, composed along mono-ethnic lines - consisting exclusively of Abkhaz nationals - and as a result became the core of the rebel units.

Laws were adopted which restricted the freedom of movement of persons of non-Abkhaz nationality. Also in violation of existing laws, Georgian passports were issued to foreign subjects. Lastly, in July 1992 it was announced that the Abkhaz Constitution in force was being suspended.

In his address to the United Nations General Assembly at its forty-seventh session, Mr. Eduard Shevardnadze pointed out that a contemporary form of apartheid and an ethno-dictatorship had been instituted in Abkhazia, when the minority had become able to impose its will on the majority.

Mr. Ardzinba and his supporters openly sided with the terrorist organization, "Confederation of Caucasian Mountain Peoples", which operated principally in areas of the northern Caucasus of the Russian Federation. The capital of the Abkhaz Autonomous Republic, Sukhumi, was declared the capital of that Confederation. Ardzinba also created a special battalion as part of the armed formations of the confederation.

Meanwhile, the rampaging of the armed bands in the western parts of Georgia reached the point where it began to threaten the whole Republic. The railway - the major artery via which Georgia obtained its essential goods - was virtually blocked. The blowing up of bridges became a frequent phenomenon. Law-enforcement bodies were no match for bandits armed to the teeth. The Republic suffered colossal material damage. Georgia's neighbour, Armenia, found itself in a particularly difficult situation, the interruption of rail traffic bringing it to a state of seige. As a result of train robberies, Georgia owed Armenia more than 6 billion roubles at then-existing prices.

During those months, the opponents of democratic reforms both within Georgia itself and beyond its frontiers made all-out efforts to interrupt preparations for the elections to the Georgian Parliament.

At the beginning of July 1992, I took a journey through western Georgia, where I held meetings with representatives of the local population. Near the town of Tsalendzhikh, my fellow travellers and I were ambushed by armed assailants. One of my companions, the head of Administration of one of the districts, was killed on the spot. I was taken prisoner by terrorists, who carried me off to Abkhazia, where I spent 37 of my 40 days of imprisonment. At the beginning of August my fate was shared by more than 10 prominent officials captured by the terrorists. In addition to myself as Deputy Prime Minister, the Georgian Minister for Internal Affairs fell into the bandits' hands. All those taken prisoner at that time are able to confirm that the terrorists moved about freely and openly, both day and night, in the territory of Abkhazia.

In the light of that situation, the State Council of the Republic of Georgia took the decision to use Government troops to protect the railway, bridges and other means of communication and installations. Mr. Ardzinba was given prior notification of the decision by Mr. Shevardnadze, President of the State Council.

The ensuing course of events indicated that, by that time, Mr. Ardzinba and his accomplices had already made all the preparations for launching the anti-Government revolt.

At noon on 14 August 1992, acting upon instructions from Mr. Ardzinba, illegal Abkhaz armed formations suddenly opened fire on the Sukhumi battalion of Government troops. One guard was killed and several wounded. That was how the armed revolt began, how the ethnic conflict was provoked. The Government troops continued to move forward, overcoming the armed resistance of the rebels, and on 15 August took control of the railway station and other major installations in Sukhumi. At that same time the officials captured by the terrorists were released.

By that time Mr. Ardzinba and his accomplices had left Sukhumi, capital of the Abkhaz Autonomous Republic, and had set up base in the town of Gudauta. To avoid further bloodshed and possible casualties among the peaceful population, the Government forces halted their advance.

During the very first clashes, a significant number of hired terrorists were observed in the territory of Abkhazia, coming principally from the northern Caucasus. They had obviously been brought in previously; this is proved by the fact that Ardzinba and his clique, having enlisted the support of various forces, had already laid plans for the revolt and were merely looking for a pretext to begin it. It should be pointed out that the Confederation of Caucasian Mountain Peoples, through a decree promulgated at that same time, had called for armed struggle against Georgia using terrorist means. That document is worth citing here. The decree states:

> "1. All headquarters in the Confederation shall arrange for the transport of volunteers to the territory of Abkhazia in order to put up armed resistance against the aggressors.
>
> "2. All armed formations of the Confederation, upon encountering resistance of any kind, shall engage in combat and shall strive to reach the territory of Abkhazia by any means.
>
> 3. The city of Tbilisi, capital of Georgia, is declared a disaster zone. In this connection, all means shall be used, including terrorist acts.
>
> "4. All persons of Georgian nationality in the territory of the Confederation are declared hostages.
>
> "5. All freight destined for Georgia and all means of freight transport shall be detained.
>
> "6. Notifications of preparedness shall be communicated to the headquarters of the Confederation of Caucasian Mountain Peoples by 2400 hours on 22 August 1992."

The Confederation had succeeded in implementing part of its plans.

Mr. Ardzinba and his supporters did not conceal the presence of mercenaries in the rebel units. In his statements, Mr. Ardzinba described them as volunteers helping the Abkhazian people in their struggle against the occupiers and pointed out that houses and plots of land in the territory of Abkhazia were being given to them not as payment to mercenaries, but as a token of the gratitude of the Abkhazian people for their support. (It should be noted that these houses and plots of land belong to Georgian refugees.)

Meanwhile, the positions held by the Government troops, who had halted their offensive, were being subjected to constant attacks by rebel units. Taking advantage of the situation, the criminal bands of marauders and murderers stepped up their activities. In the situation thus created, Chairman Shevardnadze of the State Council of Georgia and President Yeltsin of the Russian Federation combined their efforts to put an end to the bloodshed. On 3 September 1992 in Moscow, Mr. Shevardnadze and Mr. Yeltsin signed the Final Document of the Moscow meeting. Mr. Ardzinba and representatives of the northern Caucasus republics of the Russian Federation placed their signatures on the document.

In the Final Document, the President of the Russian Federation and the Chairman of the State Council of the Republic of Georgia confirmed their commitment to the generally recognized principles of the territorial integrity of States and the inviolability of their borders, and respect for human rights and freedoms as well as the rights of national minorities.

In order to ensure the practical implementation of the provisions of the Final Document, a Verification and Inspection Commission was established, which included high-ranking officials from all sides concerned.

The Georgian authorities took specific steps to implement the provisions of the Final Document. In order to bring about a speedy cease-fire, the Government troops agreed to a compromise proposal and retreated a distance of 8 to 10 kilometres. Sukhumi and the adjacent territory virtually became a demilitarized zone and bloodshed was halted there.

The next important step was to disengage the sides along the Bzyb river. The resort cities of Gagra and Pitsunda were declared a demilitarized zone and came under the control of the observers. The leaders of the Gudauta group, however, in violation of the Moscow agreement, demanded and are continuing to demand the complete withdrawal of the Government troops. The rebel units, reinforced by terrorist mercenaries, repeatedly broke the cease-fire agreement. On 1 October 1992, they attacked Gagra while a regular meeting of the Verification and Inspection Commission was being held in Sukhumi. I attended the meeting of the Commission and witnessed the events as they unfolded. The attempts by the members of the Commission to restore the status quo were not successful. The rebel units expanded their offensive, taking advantage of the small number of government troops (in accordance with an agreement they were withdrawn by the Georgian command), occupied the populated areas of Gantiadi and Leselidze and seized all the territory from the Gumista river to Georgia's border with the Russian Federation. During these days, more than 40,000 local inhabitants, primarily of Georgian nationality, fled their homes and crossed into the territory of the Russian Federation. Subsequently, they were housed in various regions of Georgia.

After the treacherous attack on Gagra, Mr. Shevardnadze visited the areas of Gantiadi and Leselidze and met with the people there. During one of the flights, his helicopter was attacked by an unidentified military helicopter, about which Mr. Shevardnadze made an official statement upon returning to Tbilisi.

It became clear that the Gudauta group was using the work of the Commission to gain time and achieve its goals.

According to data provided by the Committee on Human Rights and Inter-Ethnic Relations, as a result of the armed confrontation as of 14 January 1992, more than 600 persons had been killed, 2,150 had been wounded and approximately 600 were missing. The number of refugees exceeded 60,000 (we have accurate lists). This information was collected in the places that are under the control of Government troops. We have no corresponding information from the territory under the control of the Gudauta group. According to eyewitness accounts, a large number of houses, generally ones in which Georgians were living, were burned down. The peaceful population is not infrequently subjected to violence and torture. The exact number of persons killed is unknown.

The events that occurred in early October were preceded by a noticeable increase in activity by the opponents of reform and democracy in the Russian Federation. Under the influence of these forces the Parliament of the Russian Federation adopted, on 25 September 1992, a resolution that is at variance with the provisions of the Final Document of the Moscow Meeting and constitutes interference in the internal affairs of Georgia, and reports appeared in the Russian mass information media that gave a distorted account of the real state of affairs in Abkhazia.

Apparently, the actions by the Gudauta group serve well the interests of those who do not represent a republic of the former Soviet Union any more than a province of the Russian Empire. In his original statement in Stockholm, the Minister for Foreign Affairs of the Russian Federation, Mr. Kozyrev, painted a gloomy picture of what was to be expected if those forces were victorious in the Russian Federation.

I wish to point out that, in spite of the extremely complex situation, only 10 days after the Gagra tragedy, elections to the Parliament and for the post of Chairman of the Parliament were held in Georgia. These were truly democratic elections marked by great enthusiasm on the part of the entire population (elections were held in Abkhazia itself, except for Gudauta, Gagra and Tkvarcheli). Foreign monitors, representatives of various international organizations and journalists who had come to Georgia witnessed the fact that the people gave almost unanimous preference to democracy and expressed a high degree of trust in Chairman Schevardnadze.

From the very beginning of the armed confrontation in Abkhazia, the Government of Georgia has held the doors open wide to international organizations and representatives of information agencies, promoting in every possible way the collection of objective information about the events in Abkhazia. In the middle of September, a United Nations fact-finding mission arrived in Georgia, headed by the Director of the Europe Division of the Department of Political Affairs, Mr. Feissel. The delegation visited Abkhazia and met with representatives of the local authorities in Sukhumi as well as representatives of the Gudauta group led by Mr. Ardzinba. On 12 October a United Nations delegation led by Under-Secretary-General Blanca arrived in Georgia. This delegation also had meetings in Sukhumi and Gudauta. The situation in Abkhazia was objectively reflected in the letter dated 10 November 1992 from the United Nations Secretary-General, Mr. Boutros Boutros-Ghali, addressed to the President of the Security Council [*S/24794*]. At the present time, United Nations observers are maintaining an ongoing presence in Georgia. Representative delegations of CSCE [*Conference on Security and Cooperation in Europe*] actively seeking ways to bring about a peaceful settlement of the conflict also visited Georgia a number of times. Representatives of the organization International Alert who had visited the area of confrontation put forward interesting views on this subject. We are grateful to all for their participation and assistance.

I wish to inform the Security Council that our experts and specialists - political scientists, jurists, persons who have studied the nature of conflict and others - firmly reject the view that there is an ethnic conflict in Abkhazia. In actual fact, even now, after hundreds of people have been killed and tens of thousands have been left homeless in the region as a result of the armed confrontation, the local inhabitants have not started fighting among themselves. Furthermore, they frequently assist families that have suffered and lend one another a helping hand in critical situations.

Mr. Ardzinba and his associates have managed to draw only part of the population into their adventure. Many Abkhaz who do not wish to take part in the fighting against Government troops are leaving Abkhazia. It can be stated with confidence that the Gudauta clique relies in essence on mercenary forces. By contrast, the National Salvation Committee, which has been joined by many Abkhaz, comprises the forces of the Abkhaz public at large. Prominent representatives of the Abkhaz intelligentsia are demanding that Ardzinba and his associates curtail anti-Government activities and quit the political arena; they describe his activities as a betrayal, first and foremost, of the interests of the Abkhaz people.

Neither is there any religious strife between the Abkhaz and the Georgians. Some Abkhaz consider themselves to be Muslims, but there is no active religious movement in Abkhazia. In this as in all other parts of Georgia, people of different faiths have for centuries lived and are still living together in harmony.

In the light of all the above, we may confidently affirm the absence of any ethnic conflict in Abkhazia and firmly hope that the bloodshed and armed strife in the region will rapidly be brought to an end.

The Provisional Government of the Abkhaz Autonomous Republic, based at Sukhumi, is currently effective in that part of Abkhaz territory which is controlled by Government troops. The Provisional Government is supported by the National Salvation Committee, which was established on the initiative of prominent representatives of the Abkhaz intelligentsia. However, a significant portion of Abkhaz territory is controlled by the Gudauta clique.

In accordance with the reality of the situation, Mr. E. Shevardnadze, President of Parliament and head of Government of the Republic of Georgia, has addressed an appeal to the members of the Security Council. He believes that they will take measures to settle the conflict in Georgia which ensure the protection of human rights as well as Georgia's territorial integrity and State sovereignty.

For our part, we put forward the following proposals for consideration by the members of the Security Council:

First of all, we consider that the Russian Federation could make a substantial contribution to the settlement of the conflict. We, for our part, are ready once again to embark on implementation of the provisions of the Final Document of the Moscow Meeting of 3 September 1992, provided that refugees are allowed to return to their places of permanent abode and that the positions of the parties as of 1 October 1992 are restored. We are well aware of the major difficulties involved in resolving a problem of this sort but we believe that it can, in principle, be done.

Effective use can be made, in action to settle the conflict, of United Nations observers and forces. In the first place, it seems to us highly desirable that United Nations armed units or observers should control the boundary between Georgia and the Russian Federation (with a view to preventing infiltration by illegal armed formations and illegal deliveries of weapons).

It is most important that the railway and basic communications also be placed under the control of United Nations forces or observers. A resumption of rail traffic is of vital significance for the peoples of Transcaucasia and especially for Armenia, where the situation is desperate.

United Nations forces and observers could also ensure compliance with the cease-fire in areas of armed conflict near the towns of Sukhumi and Tkvarcheli.

Representatives of the States of the former Soviet Union could serve among the United Nations forces. In this connection we feel it is very important that officers from other States Members of the United Nations should be included among the forces' commanders.

A cease-fire, a restoration of law and order and a return of refugees will make it possible to prepare for elections to the Parliament of the Abkhaz Autonomous Republic.

We are in turn prepared to discuss any reasonable proposal for a settlement of the conflict. In this regard, it might be useful to send a group of military observers to the areas of conflict, with specific mandates and control duties, for the purpose of studying the situation in Abkhazia on a multilateral basis, drawing up proposals based on their findings, and securing the agreement of the parties concerned.

The position of the Georgian authorities with respect to a cessation of the armed strife in Abkhazia is based on unqualified respect for two fundamental principles: the inviolability of the territorial integrity and respect for the State sovereignty of the Republic of Georgia; and the protection of human rights.

We welcome any proposals which are not inconsistent with these principles and which lead us to the desired objective - peace and prosperity for all the peoples of Georgia.

DOCUMENT S/25167*

Letter dated 26 January 1993 from the representative of Yugoslavia to the Secretary-General

[*Original: English*]
[*26 January 1993*]

I have the honour to transmit herewith a letter from Mr. Dobrica Cosic, President of the Federal Republic of Yugoslavia, in the wake of the latest offensive by the Republic of Croatia against the Republic of Serbian Krajina.

I should be grateful if you would have the present letter and the attachment circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 26 JANUARY 1993 FROM THE PRESIDENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA TO THE SECRETARY-GENERAL

With regret and extreme concern I have to inform you that Croatia is ignoring all the measures taken so far by the United Nations, including the latest Security Council resolution, as well as by other international factors, and that it is intensifying its aggression against the Serbian people in the areas under the protection of the United Nations.

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*Circulated under the double symbol A/48/69-S/25167.

It is with cynicism, typical of aggressors, that the Croatian leadership is deceiving the world public about the limited targets of its armed operation in the Maslenica Bridge and Zemunik Airport regions, pursuing the war at the same time and extending the front. Today as well, on the fourth day of aggression, the Croatian Army is pursuing its attacks with unabated force along the entire line of its offensive. Artillery units are destroying Serbian villages along the entire front line, exposing the Serbian people to persecution or annihilation and destroying the seventeenth century orthodox church in the village of Islam Grcki. The civilian population, mainly women, children and the elderly, are leaving their homes and fleeing in vast columns from the daggers and the fires of the Croatian army. Along the entire front line the Croats are bringing in reinforcements and concentrating fresh military forces and equipment. At this point, the aggressor has focused its main forces on the towns of Obrovac and Benkovac with a view to occupying and cutting them off so as to pursue the fighting towards Knin.

In order to achieve their objectives in the attacks against the towns of Obrovac and Benkovac, at certain points the Croatian commanders have concentrated large units and military might, which has as its consequence tremendously fierce fighting and extremely large numbers of victims.

The aggressor is not even sparing the United Nations Protection Force units and is inflicting losses upon them as well, as a result of which the French battalion was forced to withdraw from the positions held so far.

It is high time for the world organization to take resolute measures in order to stop further aggression and persecution of the Serbian people, to force the aggressor to withdraw and punish him for the crimes committed. By doing so, the United Nations would, at the same time, be protecting its peace-keeping forces from new losses and enable them to perform their task.

Should there be no such action, an escalation of the war to extermination would be forthcoming inflicting a hard blow to the reputation and the authority of the United Nations.

DOCUMENT S/25168

The situation in Somalia: progress report of the Secretary-General

[*Original: English*]
[*26 January 1993*]

1. The present report is the second report submitted to the Security Council pursuant to paragraph 18 of resolution 794 (1992) of 3 December 1992 on the situation in Somalia.

2. Section I of the report describes efforts undertaken to promote national reconciliation in Somalia. Section II concerns the military activities of the Unified Task Force (UNITAF) and the United Nations Operation in Somalia (UNOSOM). Section III concerns humanitarian activities. The report also contains four annexes.

I. EFFORTS OF NATIONAL RECONCILIATION AND UNITY

3. As I previously reported to the Security Council [*S/24992*], I convened an informal preparatory meeting for a conference of national reconciliation and unity on Somalia at United Nations headquarters in Addis Ababa on 4 and 5 January 1993. Since additional time was requested by the participants, I authorized an extension of two more days to 7 January. In actual fact, the meeting did not conclude until 15 January 1993.

4. Twelve Somali political movements were initially invited to participate in the informal meeting. Two additional movements were invited at a later stage. A total of 14 political movements thus took part in the meeting. A list of those participating is contained in annex I.

5. Also attending the meeting were the Secretaries-General of the League of Arab States, the Organization of African Unity (OAU), the Organization of the Islamic Conference and the Chairman of the Standing Committee of the Countries of the Horn of Africa, as well as the representative of the current Chairman of the Movement of Non-Aligned Countries.

6. On 4 January 1993, I opened the informal meeting at the headquarters of the Economic Commission for Africa (ECA) at Addis Ababa. The President of the Transitional Government of Ethiopia, Mr. Ato Meles Zenawi, delivered the keynote address. Statements were also made by the Secretaries-General and the representatives of the regional and intergovernmental organizations mentioned above.

7. At my suggestion, all the subsequent sessions of the informal meeting were attended by only the representatives of the Somali movements invited to participate. It was these sessions, which were conducted by chairmen elected from among the Somali representatives, that continued until 15 January 1993.

8. The following three agreements were concluded and signed at the informal meeting: (*a*) General Agreement of 8 January 1993; (*b*) Agreement on implementing the cease-fire and on modalities of disarmament (Supplement to the General Agreement); and, (*c*) Agreement on the establishment of an ad hoc committee to help to resolve the question of criteria for participation in, and the agenda for, the national reconciliation conference, as well as any other issues pending from the informal meeting. Copies of these agreements are contained in annexes II, III and IV, respectively.

9. Among other things, the informal meeting agreed on the convening of a national reconciliation conference in Addis Ababa on 15 March 1993. Although nearly all the Somali political movements preferred to hold the national reconciliation conference in Mogadishu, the lack of facilities in the city and security concerns argued against it. The informal meeting also agreed to an immediate and binding cease-fire in all parts of the country under the control of the signatories and to the immediate cessation of all hostile propaganda. Agreement was furthermore reached on disarmament and on monitoring the cease-fire, as well as on the release of prisoners-of-war.

10. It was agreed that the Ad Hoc Committee would hold its first meeting at Addis Ababa on 22 January 1993 and submit its recommendations on the criteria for participation in the national reconciliation conference to the meeting of the whole before 1 March 1993. The committee will have a rotating membership and will be composed of seven members at any one time, with two of its members coming from the Somali National Alliance (SNA) and the remaining five from other political movements, with the proviso that SNA could rotate its participants at every session of the committee.

11. As agreed, the first meeting of the Ad Hoc Committee was convened at Addis Ababa on 22 January 1993. However, the meeting was suspended in order to consider an allegation by SNA that the Somali National Front (SNF) had violated the cease-fire agreement of 15 January 1993. According to SNA, several towns in the Galgadul region in the south were attacked and captured by the SNF. Neither UNOSOM nor UNITAF was able to confirm the allegation. The meeting could not be reconvened because SNA decided not to participate. In a statement they issued, the other five participants in the committee called the

suspension unjustified because alleged violations of the cease-fire fell under the competence of the Cease-fire Monitoring Committee and should not be a reason to suspend the first meeting of the Ad Hoc Committee.

12. The informal meeting failed to agree on the agenda for the national reconciliation conference but decided that the question should be addressed by the Ad Hoc Committee.

13. The General Agreement requests the United Nations, in consultation with the relevant regional and subregional organizations, to provide logistic support both prior to and during the conference. The former concerns the availability of telecommunications and printing facilities as well as road and air transportation. ECA, in cooperation with UNOSOM, is expected to service the conference.

14. The crisis in Somalia can only be resolved by the Somali people themselves, through a process of national reconciliation. The process will be long and difficult. It will require dedication, compromise and the utmost seriousness of purpose. It is hoped that the conference will be a forum where representatives of all Somali movements, factions and groups will have the opportunity freely and fully to express their views. It will provide a mechanism for negotiating an end to the major disputes in the country. Through the negotiation process, an agreement acceptable to all - and carried out by all - can be achieved. It needs to be noted that the Security Council has from the beginning of its consideration of the situation in Somalia urged all parties to the conflict in Somalia immediately to cease hostilities and agree to a cease-fire and to promote the process of reconciliation and of political settlement in the country.

15. As I stated at the informal preparatory meeting, the international community attaches the highest importance to national reconciliation in Somalia. Regional organizations are committed to this process as well. It would still be preferable to convene meetings on national reconciliation in Somalia. Beyond its obvious symbolic significance, Somalia, as a venue, could provide added impetus and urgency to the search for a political solution.

II. MILITARY ACTIVITIES

16. A major preoccupation for UNOSOM at the present juncture is the planning for the transition from the operations of UNITAF to UNOSOM II. This planning exercise is proceeding smoothly in close cooperation and consultation with the Command of UNITAF. The planning for UNOSOM II includes plans for deployment of troops to northern Somalia and it will also cover appropriate proposals for demining, as reliable information indicates that there are several million mines in the country, most of them uncharted. The major concentration of mine-fields is to be found in the north where UNITAF has not been deployed.

17. The first preparatory step for accelerating the transition to UNOSOM II will be the strengthening of the headquarters of the UNOSOM military component. In this connection, the Secretary-General has authorized the addition of 30 officers to UNOSOM headquarters. A new Force Commander for UNOSOM II will be appointed shortly so that he can participate effectively in the planning process for the transition as well as the transfer of the operation from UNITAF to UNOSOM. A number of the Member States cooperating with the United States in UNITAF have expressed their willingness to have their contingents serve with UNOSOM II under a new mandate. I will present recommendations to the Security Council on the composition of the new UNOSOM as soon as it is practicable. It will be my intention, for obvious reasons of practical convenience and economy, to include in the new UNOSOM as many contingents as possible which are currently deployed in Somalia, and serving under the command of UNITAF.

18. As indicated in paragraph 12 of my report to the Security Council of 19 December 1992 [*S/24992*] I have initiated a series of meetings that bring together all the participating Governments of UNITAF and UNOSOM so as to give an opportunity to the troop-contributing countries to participate in discussions about the current operations of the Force and planning for the transition to UNOSOM II. The first of these meetings took place on Wednesday, 13 January 1993 and the second is scheduled for 26 January 1993.

19. UNOSOM's military component currently has a strength of 634 all ranks. It is composed of a 500 all-ranks battalion, 50 military observers, movement and logistics elements, a headquarters company and a small headquarters staff. After the adoption of resolution 794 (1992), further deployment into Somalia was put on hold pending assessment of conditions on the ground. In addition to the augmentation of UNOSOM headquarters mentioned in paragraph 17 above, it has been decided to authorize the deployment of an additional 250 soldiers from Pakistan to augment and enhance the flexibility of the Pakistani Infantry Battalion. As indicated in paragraph 17 above, 30 officers will shortly join the headquarters of UNOSOM.

20. It must be noted that a separate report submitted by the United States on the achievements of UNITAF has been circulated to the Security Council [*S/25126*].

21. UNITAF must be congratulated for rapidly and successfully securing major population centres and ensuring that humanitarian assistance is delivered and distributed without impediment. Whilst the general security situation has improved considerably, the security threat to the personnel of the United Nations, UNITAF and non-governmental organizations (NGOs) is still high in some areas of the city of Mogadishu and other places, including Bardera, Baledogle and Baidoa. Inter-clan fighting still tends to break out from time to time, along with sniper attacks. Within the past few weeks a staff member of the United Nations Children's Fund (UNICEF), one United States marine and one delegate of the International Committee of the Red Cross were killed in incidents of this kind.

22. It is important to note that the primary responsibility for the implementation of the Addis Ababa agreements lies with the Somalis themselves. At the same time, UNITAF and UNOSOM will have important functions in assisting the Somalis in their task of discharging these responsibilities. In the area of disarmament, it will be necessary to monitor the weapons and technical vehicles which will have been placed under the supervision of the cease-fire monitoring group. This will present a particular difficulty in the north, where there is no UNITAF or UNOSOM military presence at this stage. Consequently, there is no ready capability to assist in the disarming exercise in that region, even if a decision were to be taken to do so. A related problem concerns the fact that if the north were not to be disarmed effectively or if the disarmament were not to be monitored by the international community, the factions in central and southern Somalia might hesitate to implement the agreements as such implementation would place them at a disadvantage. There is also the question of encampment of the troops of the various factions and their upkeep and retraining until a new Somali Government is formed. These issues would be reviewed with the UNITAF command to determine the nature of the UNITAF/UNOSOM response to the recommendations of the Addis Ababa informal preparatory meeting.

23. The establishment of a Somali police force will be a crucial step in the efforts of UNITAF and UNOSOM to create a secure environment in Somalia for the purposes of humanitarian assistance and political reconciliation as well as for the rehabilitation of the country. I have

therefore decided to send an expert team to Somalia which, under the guidance of my Special Representative, will prepare a plan for the establishment of a neutral police force in Somalia. In the meantime, under the supervision of UNITAF, working in close cooperation with UNOSOM, an auxiliary force composed of former police officers is being constituted in Mogadishu. This group could be entrusted with certain security functions under the guidance of UNITAF and subsequently UNOSOM.

III. HUMANITARIAN ACTIVITIES

24. The arrival of UNITAF forces has opened up access to more remote areas and has enabled the delivery of relief food and other essential supplies, such as medicines, vaccines and water equipment. Between 10 December 1992 and 20 January 1993, 13 vessels of the World Food Programme (WFP) and other relief organizations carrying humanitarian supplies have berthed in Mogadishu port. Some 40,000 tons of humanitarian relief supplies have been delivered to Somalia through Mogadishu port and its main airport. This included 8,000 tons of medical drugs, seeds, tools and veterinary supplies.

25. In addition to greater security, the efficiency of Mogadishu port has greatly improved; extortion payments have been stopped and the port itself and its buildings have been cleaned and minor construction work undertaken. Extensive salvage operations are also planned to fully open the port of Kismayo.

26. At Mogadishu main airport, security is provided by UNOSOM and UNITAF; electric lighting has been installed and the airport is now open 24 hours a day. Air traffic control has been established and its capacity to handle aircraft has been expanded. Improvements have also been made to the airports at Baledogle and Baidoa. Dirt airstrips at Hoddur, Belet Weyne and Bardhere have been upgraded.

27. Access is being further increased through repair work on six major relief supply routes. These are Mogadishu-Baledogle-Baidoa, Baidoa-Bardhere, Baidoa-Wajit-Hoddur, Mogadishu-Kismayo, Kismayo-Bardhere, Mogadishu-Jalalaqsi-Belet Weyne. Mines have been cleared from the Baidoa-Wajit-Hoddur road. Improved security has allowed WFP to bring some of its extensive truck fleet into Somalia from Ethiopia. This has accelerated the amount of relief supplies which can be delivered and has served to reduce the exceedingly high prices previously charged by local truck owners. Without the help of UNITAF, this would not have been possible.

28. Since the arrival of UNITAF, many new NGOs are establishing programmes in central and southern parts of Somalia. Many existing NGOs, as well as the United Nations system, have significantly increased their staff so that relief activities can be expanded.

29. Of the total food delivered, 25,000 tons brought into Mogadishu have been delivered by escorted road convoys to people in need in the Mogadishu area, Kismayo, Baidoa, Bardhere, Merca, Jalalaqsi, Hoddur and Belet Weyne. An additional 9,000 tons have been airlifted to Saco Uen, Kismayo, Baidoa, Bardhere, Wajit, Hoddur, Jalalaqsi and Belet Weyne. One hundred tons of food supplies have been airdropped to Afmadu and in the Jelib region.

30. In conjunction with WFP, CARE is establishing dry ration distribution in Mogadishu. Some 12,000 tons of food supplies will be delivered to people in the city per month. Thirty per cent of the food will be distributed in the form of dry rations to displaced persons and others in severe need. NGOs are supervising the programme, working closely with Somali women's groups. The remaining 70 per cent will be monetized in small lots through local traders. The first shipment of wheat flour has already been sold and the funds generated are being made available to NGOs for labour-intensive projects. UNITAF will escort convoys from the port to the sites and will also be present during the distributions to deter would-be looters.

31. A shipment of 3,000 tons of food arrived in Kismayo around 22 January 1993. This is the first shipment since the port was closed because of insecurity at the end of September 1992.

32. WFP has shipped 1,000 tons of food to Bosasso in the north-east. On 17 January 1,350 tons of food arrived in the north-western port of Berbera and a further 200 tons has been shipped from Djibouti to the seaports of Zeila and Mait in northern Somalia.

33. Provision of assistance by UNICEF markedly increased following the Geneva Conference on Somalia in October 1992 with the launching of the United Nations 100-Day Programme of Action and the subsequent arrival of UNITAF. UNICEF's objectives focused on improving access to food supplies, supplementary feeding for the vulnerable and "at-risk" population, provision of essential health services, provision of safe water and improvement of sanitary conditions, and relief assistance and support for resettlement and the resumption of agricultural activities.

34. UNICEF continues to provide medicines, drugs and support to 16 hospitals, 62 mother and child health centres and 156 health posts throughout Somalia. In December, some 60,000 children were vaccinated against measles and given vitamin A supplements. In collaboration with the World Health Organization (WHO) and NGO partners, epidemiological assessments have been conducted in four regions of Somalia. UNICEF continues to support 14 international NGOs providing assistance to 136 supplementary feeding centres, feeding over 200,000 children per day.

35. Work is under way to repair, install and rehabilitate water supply systems, while efforts are being made to improve the sanitary conditions. Over 18,000 families have received agricultural tools and seeds through the joint UNICEF/OXFAM programme for agricultural communities in Lower Juba and Lower Shebelle, and seeds and tools have been distributed to small-scale farmers in 71 villages.

36. The United Nations Development Programme (UNDP) has assisted in the restoration of the Mogadishu water supply system, and has been instrumental in the successful sanitation clean-up programme in the city. Similar efforts are under way in other urban centres. A major UNDP mission is under way in north-western Somalia, identifying rehabilitation projects as well as schemes to help rebuild administrative services. UNDP is also assisting the Food and Agriculture Organization of the United Nations (FAO), WHO and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to extend their activities throughout Somalia by providing the usual logistics, administrative and financial support. UNDP has significantly increased its international staff presence following the arrival of the UNITAF.

37. UNESCO has recently re-established its presence in Somalia and is very active, along with NGOs and other United Nations agencies, in reopening schools and in assisting in the provision of educational materials. FAO has expanded its activities considerably and is providing essential assistance to the thousands of displaced families so that they have the seeds, tools and other agricultural equipment to resettle in home villages and re-establish livestock herds. FAO is also providing much-needed animal health assistance in an attempt to rehabilitate the pastoral economy, a mainstay of much of the Somali population. WHO has continued to provide significant assistance to the health sector providing NGOs with material assistance, essential drugs and technical advice, especially in the areas of malaria and tuberculosis. Along with UNICEF and a number of NGOs, WHO has opened a central pharmacy in Mogadishu, and assisted in the development of an epidemiological surveillance system.

38. The improved access and security in some areas has enabled health and nutrition assessments to take place. Some of these assessments have been made with helicopter transportation provided by UNITAF. Agricultural surveys to determine harvests and hence food needs for 1993 are also being undertaken.

39. Security forces in the hinterland are also involved in assisting local communities through improved water supplies and support for health facilities. Another positive aspect of UNITAF is the increase in commercial activities. Markets are functioning again and commercial vessels are using the ports of Mogadishu and Kismayo.

40. As regards coordination, the Humanitarian Operations Centre, which was established in Mogadishu to serve as the interface between UNITAF and the relief community, has worked exceptionally well. UNITAF liaison personnel have been attached to UNOSOM's Humanitarian Division since the start of the operation. The Operations Coordination Structure enables the different partners involved in the delivery of humanitarian assistance to discuss security issues, convoy escorts and requests for emergency assistance. Attended by representatives of the security forces provided by the various countries, this forum provides the relief community with a unique opportunity to share information and raise issues that have an impact on relief efforts.

41. Humanitarian operations centres have also been established at Baidoa, Kismayo, Belet Weyne, Huddor, Bardhere and Jalalaqsi.

42. The Operations Coordination Structure also includes a 12-member Standing Liaison Committee representing all international partners in the relief effort. This Committee meets on a weekly basis to discuss problems which have arisen and to propose solutions.

43. In spite of the many positive aspects of the presence of UNITAF forces, the risk to relief workers remains exceedingly high. Theft, looting and extortion continue to plague relief efforts, albeit on a lesser scale. The recent murder of UNICEF and International Committee of the Red Cross staff only serves to highlight the dangerous climate in which relief workers continue to operate.

44. Insecurity has also adversely affected the planning of future relief operations. UNICEF was planning to establish a presence in the Mudug and Galgadud regions in early December. Increased insecurity in these regions, however, has resulted in the decision to postpone the programmes. In the north-eastern portion of the country, an area previously considered relatively secure, increased troop movements and fighting amongst rival groups have adversely affected plans by aid agencies and NGOs to establish relief programmes in the region. The security situation in Kismayo has improved as UNITAF patrols have been stepped up and a local police force created. All five UNICEF supplementary feeding centres are operating and UNICEF is continuing its support to health facilities in Lower Juba.

45. Concerns are growing about the movement of technicals into border areas with Kenya and Ethiopia. The problems created by armed gangs in refugee camps in Kenya recently prompted the authorities to threaten to oust Somali refugees residing in that country. The destabilizing effect of such movements into these countries as well as the lurking threat which they pose for any future stability in Somalia itself are matters which must be addressed.

Future plans

46. It will be recalled that the United Nations 100-Day Action Programme for Accelerated Humanitarian Assistance for Somalia was reviewed at the Second Coordination Meeting held at Addis Ababa from 3 to 5 December 1992. In addition to reviewing progress made under the plan, the Meeting provided an opportunity for Somali leaders and indigenous NGOs to forge a stronger degree of partnership with United Nations agencies and international NGOs in planning and implementing relief and rehabilitation activities.

47. One of the major conclusions of the Meeting was that the 100-Day Programme should be followed by a new plan for 1993 which should also address rehabilitation and reconstruction. It was further agreed that the participation of Somali representatives in the planning process of future programmes was fundamental.

48. With these considerations in mind, a Relief and Rehabilitation Programme for 1993 is in the process of being finalized. Core groups, comprising representatives of the United Nations system and international and indigenous NGOs, are collaborating closely in formulating activities in the sectors of food security, health, water and sanitation, food production, livestock, basic education, and resettlement of displaced people and refugees. In order to ensure that requirements in different parts of the country are adequately taken into consideration, inputs from different regions are being obtained with assistance from regional Humanitarian Operations Centres.

49. In spite of the difficulties in the country, a major effort is being made to ensure the involvement of the Somalis themselves in planning programmes designed to move as quickly as circumstances permit from relief to rehabilitation and reconstruction.

50. The Relief and Rehabilitation Programme will include activities covering all parts of Somalia and its effective implementation will be contingent upon the existence of adequate security. This applies to areas currently covered by the Unified Task Force in the central and southern parts of Somalia as well as to the north-east and the north-west. As part of the Programme, steps will be taken to rebuild civil administrations and to establish police forces.

51. A United Nations Conference on Humanitarian Assistance for Somalia will be held at Addis Ababa in March 1993 to review the Relief and Rehabilitation Programme and receive pledges from donors. The active involvement of a wide spectrum of Somalis is indispensable to the effective implementation of the Programme. Every effort will therefore be made to achieve broad Somali participation in the Conference. This Conference could be held immediately after the United Nations Conference on National Reconciliation in order to minimize cost and to maximize Somali participation. A positive outcome of the Conference could provide added incentives for the national reconciliation process.

ANNEX I

Somali Africans Muki Organization (SAMO)
Somali Democratic Alliance (SDA)
Somali Democratic Movement (SDM)
Somali National Democratic Union (SNDU)
Somali National Front (SNF)
Somali National Union (SNU)
Somali Patriotic Movement (SPM)
Somali Patriotic Movement (SPM)(SNA)
Somali Salvation Democratic Front (SSDF)
Southern Somali National Movement (SSNM)(SNA)
United Somali Congress (USC)(SNA)
United Somali Congress (USC)
United Somali Front (USF)
United Somali Party (USP)

ANNEX II

The General Agreement signed at Addis Ababa on 8 January 1993

We, the undersigned Somali political leaders, meeting at the United Nations Economic Commission for Africa at Addis Ababa, Ethiopia, from 4 January 1993 at the informal preparatory meeting on National Reconciliation in Somalia, would like to thank the Secretary-General of the United Nations, H.E. Boutros Boutros-Ghali, who has facilitated this meeting in collaboration with the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and the Standing Committee of the Countries of the Horn of Africa.

We also thank the Government and people of Ethiopia, and H.E. Meles Zenawi, President of the Transitional Government of Ethiopia, for hosting the Meeting and for his personal engagement in assisting our efforts to reach the following agreement.

We, the Somali participants, further express our deep appreciation for the concern of the international community for the humanitarian crisis in our country and recognize their wish for us to reach a peaceful solution to our country's severe problems.

After discussing our problems and considering all options, we have agreed on the following points:

1. The convening of a National Reconciliation Conference at Addis Ababa on 15 March 1993;

2. The declaration of an immediate and binding cease-fire in all parts of the country under the control of the concerned warring factions, subject to subparagraph (*a*) below;

3. The immediate cessation of all hostile propaganda against each other and the creation of an atmosphere conducive to reconciliation and peace;

4. The United Nations Operation in Somalia (UNOSOM), in consultation with the relevant regional and subregional organizations, will be responsible for the logistical preparations for the National Reconciliation Conference;

5. The establishment of further mechanisms for the continuation of free dialogue amongst all political factions and leaders in Somalia in preparation for the National Reconciliation Conference;

6. To continue and enhance our full and unrestrained cooperation with all international organizations working inside and outside Somalia to distribute humanitarian relief to our people;

7. To commit ourselves, without reservation, to facilitating the free movement of Somali people throughout the entire country as a measure of confidence-building before the National Reconciliation Conference.

This agreement shall be valid upon completion and adoption by consensus of the following three points, and a separate communiqué will be issued before departure from Addis Ababa:

(*a*) The establishment of the modalities for implementing the cease-fire amongst all warring parties and the creation of a mechanism for disarmament;

(*b*) The agenda of the National Reconciliation Conference;

(*c*) The criteria for participation in the National Reconciliation Conference.

This agreement, signed at Addis Ababa on 8 January 1993, shall be considered binding on all the undersigned parties henceforth and all signatories shall be obliged to secure the support and implementation of this agreement amongst their movements and followers.

(*Signed*):

1. Somali Africans Muki Organization (SAMO)
   Mohamed Ramadan Arbow, Chairman

2. Somali Democratic Alliance (SDA)
   Mohamed Farah Abdullahi, Chairman

3. Somali Democratic Movement (SDM)
   Abdi Muse Mayo, Chairman

   Col. Mohamed Nur Aliyou, Chairman (SNA)

4. Somali National Democratic Union (SNDU)
   Ali Ismael Abdi, Chairman

5. Somali National Front (SNF)
   General Omar Hagi Mohamed Hersi, Chairman

6. Somali National Union (SNU)
   Mohamed Ragis Mohamed, Chairman

7. Somali Patriotic Movement (SPM)
   General Aden Abdillahi Noor, Chairman

8. Somali Patriotic Movement (SPM) (SNA)
   Col. Ahmed Omar Jess, Chairman

9. Somali Salvation Democratic Front (SSDF)
   General Mohamed Abshir Musse, Chairman

10. Southern Somali National Movement (SSNM)(SNA)
    Col. Abdi Warsame Isaaq, Chairman

11. United Somali Congress (USC)(SNA)
    General Mohamed Farah Aidid, Chairman

12. United Somali Congress (USC)
    Mohamed Qanyare Afrah, Chairman

13. United Somali Front (USF)
    Abdurahman Dualeh Ali, Chairman

14. United Somali Party (USP)
    Mohamed Abdi Hashi, Chairman

ANNEX III

Agreement on implementing the cease-fire and on modalities for disarmament signed at Addis Ababa on 15 January 1993

(*Supplement to the General Agreement signed at Addis Ababa on 8 January 1993*)

We, the undersigned Somali political leaders, meeting at Addis Ababa, Ethiopia, on 15 January 1993 at the informal preparatory meeting on national reconciliation in Somalia;

Having agreed on the need for a viable and verifiable cease-fire to promote the peace process in Somalia;

Recognizing that such cease-fire is intricately linked to questions of disarmament;

Further recognizing that disarmament cannot be accomplished in a single event but through a sustained process;

Hereby agree on the following:

I. *Disarmament*

1.1 All heavy weaponry under the control of political movements shall be handed over to a cease-fire monitoring group for safekeeping until such time as a legitimate Somali Government can take them over. This process shall commence immediately and be completed in March 1993.

1.2 The militias of all political movements shall be encamped in appropriate areas outside major towns where the encampment will not pose difficulties for peace. The encamped militias shall be disarmed following a process which will commence as soon as possible. This action shall be carried out simultaneously throughout Somalia. The international community will be requested to provide the encamped militias with upkeep.

1.3 The future status of the encamped militia shall be decided at the time of the final political settlement in Somalia. Meanwhile, the international community will be requested to assist in training them for civilian skills in preparation for possible demobilization.

1.4 All other armed elements, including bandits, shall be disarmed immediately and assisted through rehabilitation and integration into civil society.

II. *Cease-fire monitoring group*

2.1 A cease-fire monitoring group comprising UNITAF/United Nations troops shall be established immediately. There shall also be a committee composed of representatives of the warring factions to interlocute with the monitoring group and observe the implementation of the agreement by UNITAF/United Nations troops.

III. All sides agree in principle that properties unlawfully taken during the fighting shall be returned to the lawful owners. This shall be implemented as and when the situation allows.

IV. All POWs shall be freed and handed over to the International Committee of the Red Cross and/or UNITAF. This process shall commence immediately and be completed by 1 March 1993.

The present agreement shall enter into effect on 15 January 1993.

(*Signed*):

[*See the list at the end of annex II above.*]

ANNEX IV

Agreement on the establishment of an Ad Hoc Committee, signed at Addis Ababa, on 15 January 1993

We, the undersigned Somali political leaders, meeting at Addis Ababa, Ethiopia, on 15 January 1993 at the informal preparatory meeting on national reconciliation in Somalia;

Determined to continue our efforts to resolve all pending issues from the meeting, in particular, the question of criteria for participation in, and the agenda for, the National Reconciliation Conference scheduled to begin on 15 March 1993;

Further determined to ensure the immediate implementation of all agreements reached during the informal preparatory meeting,

1 Hereby decide to establish an Ad Hoc Committee to continue the discussion aimed at resolving the question of criteria for participation and the agenda for the National Reconciliation Conference, as well as any other issues pending from the informal preparatory meeting.

2 The Ad Hoc Committee, whose sole purpose is to provide a mechanism for continuing the search for a solution to outstanding issues, shall work in consultation with all Somali political movements,

3 The Ad Hoc Committee shall hold its first meeting at Addis Ababa, Ethiopia, on 22 January 1993,

4 The Ad Hoc Committee shall submit its recommendations on the criteria for participation at the National Reconciliation Conference and on other outstanding issues to the meeting of the whole before 1 March 1993,

5 The following facilities, to be utilized solely for the purpose of carrying out the mandate set out in the present agreement, shall be placed at the disposal of the Ad Hoc Committee an office in Mogadishu and Addis Ababa to facilitate consultations with the United Nations and the relevant regional and subregional organizations, as well as telecommunication and transportation facilities,

6 The Ad Hoc Committee shall be composed of seven members at any one time with two coming from SNA [*Somali National Alliance*] and five from the other political movements SNA shall have the right to rotate its participants at every session of the Ad Hoc Committee if it so wishes,

7 Notwithstanding the pending status of the agenda and the issue of criteria for participation in the National Reconcilitation Conference, the General Agreement signed at Addis Ababa on 8 January 1993 shall enter into force with immediate effect

(*Signed*)

[*See the list at the end of annex II above.*]

DOCUMENT S/25169*

Letter dated 26 January 1993 from the representative of Cyprus to the Secretary-General

[*Original: English/French/Spanish*]
[*26 January 1993*]

With reference to the latest developments on the question of Cyprus and the unanimously adopted Security Council resolution 789 (1992), I have the honour to forward herewith a copy of a relevant resolution adopted by the European Parliament on 21 January 1993. This resolution, *inter alia*, reaffirms the European Parliament's support for all Security Council resolutions on Cyprus, welcomes the recently adopted Council resolution 789 (1992) and fully supports the implementation of the confidence-building measures contained therein.

As will be recalled, the Government of the Republic of Cyprus promptly and unequivocally stated its acceptance of the said confidence-building measures [*see S/24862 and S/24914 dated 27 November and 7 December 1992, respectively*], a fact that is duly noted and welcomed by the European Parliament in its said resolution.

Meanwhile, and in spite of the fact that two months have elapsed since the adoption of Security Council resolution 789 (1992), the Turkish side has regrettably not only failed to accept the confidence-building measures, a fact that can reasonably be expected to be of serious concern to the Security Council, but on the contrary has with numerous statements publicly challenged Council resolution 789 (1992) and, through provocative and menacing statements emanating from the highest level of the Turkish leadership, has created a climate of tension, thus undermining whatever prospects may exist for the forthcoming talks in March 1993. Characteristically, the Prime Minister of Turkey, Mr. S. Demirel, quoted in the Turkish daily *Milliyet* (22 January 1993), said that nothing could happen in Cyprus if Turkey did not want it, that Cyprus was the honour and pride of Turkey and that (the Cypriots) would "regret that their mothers gave birth to them. The airport at Adana is only six minutes away from Nicosia".

I should be grateful if the text of the present letter and the annex could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) A. J. JACOVIDES
Permanent Representative
of Cyprus
to the United Nations

ANNEX

Resolution adopted by the European Parliament on 21 January 1993

Regarding Security Council resolution 789 (1992) adopted on 25 November 1992 on Cyprus and the Republic's relations with the European Community,

The European Parliament,

Recalling its previous resolutions on Cyprus,

Having in mind the Association Agreement between the European Economic Community and Cyprus as well as the application of the Republic of Cyprus for accession to the European Community,

Having in mind the talks which took place in New York and the ensuing report of the Secretary-General of the United Nations of 19 November 1992 regarding his mission of good offices,

Reaffirming its support for all United Nations Security Council resolutions on Cyprus, including resolutions 365 (1974), 367 (1975), 541 (1983), 550 (1984) and 774 (1992),

Welcoming the recent unanimous Security Council resolution 789 (1992) of 25 November 1992,

Fully supporting the urging by the Security Council, as contained in its resolution 789 (1992), of the interested parties to implement a series of confidence-building measures, which would greatly facilitate the promotion of the appropriate climate for the successful completion of the efforts for finding a just and viable solution of the Cyprus problem in the course of March 1993,

Welcoming also the readiness expressed by the Cyprus Government to the Secretary-General of the United Nations to cooperate for the immediate implementation of the confidence-building measures,

Welcoming the establishment of the European Community-Cyprus Joint Parliamentary Committee,

1. *Adopts* the position of the Security Council that the talks in New York did not achieve their intended objective "in particular because certain positions adopted by the Turkish Cypriot side were fundamentally at variance with the set of ideas",

2. *Reaffirms* its conviction that the continuation of the *status quo* in Cyprus is unacceptable and poses wider (threats) danger to the region;

3. *Calls upon* the Turkish side to return to the new round of talks in March 1993 with positions in line with the resolutions of the Security Council, including 365 (1974), 367 (1975), 541 (1983), 550 (1984), 774 (1992) and 789 (1992), as well as with the set of ideas of the Secretary-General of the United Nations;

4. *Calls upon* the Government of Turkey to withdraw its occupation troops from the Republic of Cyprus in accordance with the relevant United Nations resolutions, and calls for the Turkish troops to be replaced by United Nations peace-keeping forces;

5. *Calls upon* the Turkish side to accept without further delay the confidence-building measures adopted by Security Council resolution 789 (1992) and to cooperate with the other interested parties for their immediate implementation;

6. *Supports* the recommendations of the European Community-Cyprus Joint Parliamentary Committee adopted at Nicosia on 16 July 1992 and, in particular, expresses the wish that the opinion of the Commission on the application of Cyprus for full membership in the European Community and the decision of the Council that will follow, will contribute to the furtherance of the admission of Cyprus to the Community which will have positive effects on the efforts for the solution of the Cyprus problem;

7. *Calls upon* the Ministers meeting within the framework of European political cooperation to take all necessary steps that would ensure respect for Security Council

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*Circulated under the double symbol A/47/878-S/25169.

resolution 789 (1992) and in particular implementation of the confidence-building measures foreseen by it;

8. *Calls in particular upon* the Council and the Commission, in cooperation with the Cyprus Government, the United Nations Secretary-General and other interested Governments and international organizations:

(i) To help in conducting studies and in initiating action for the restoration of Famagusta (Varosha) as soon as the town is placed under United Nations administration according to Security Council resolutions 550 (1984) and 789 (1992);

(ii) To proceed to the financing through loans or grants of bicommunal projects in Cyprus as foreseen by Council resolution 789 (1992);

9. *Instructs* its President to convey the present resolution to the Governments of member States, the United Nations Secretary-General and the Governments of Turkey and Cyprus.

DOCUMENT S/25170

The situation concerning Western Sahara: report of the Secretary-General

[*Original: English/French*]
[*26 January 1993*]

INTRODUCTION

1. In his letter to me dated 31 August 1992 [*S/24504*] the President of the Security Council, commenting on my latest report on Western Sahara dated 20 August 1992 [*S/24464*], confirmed the Council's agreement to maintain the existing deployment and staffing of the United Nations Mission for the Referendum in Western Sahara [MINURSO], while expecting a further progress report by the end of September 1992. However, as intimated to the President in my letter of 2 October 1992 [*S/24644*], I deemed it appropriate, to defer my next report until the second half of November 1992 in the expectation that I would then be able to give a full account of the outcome of various consultations, including a meeting of tribal chiefs from Western Sahara. Subsequently, in a letter dated 16 November 1992, I informed the President of my intention to postpone further the submission of my report until the second week of December 1992, since the meeting of tribal chiefs could not be organized before the end of November 1992. Lastly, as I advised the President in my letter of 22 December 1992 [*S/25008*], I felt it necessary further to postpone my report until the second half of January 1993.

2. The present report is divided into five sections. Section I describes the military aspects of MINURSO. Section II is devoted to other aspects, including major activities and developments since my last report to the Council dated 20 August 1992. Section III deals with events and circumstances in the mission area which have a bearing on MINURSO's role and activities, without pertaining directly to its current mandate. Section IV dwells on the financial aspects of the operation. Finally, section V embodies my own conclusions and recommendations.

I. MILITARY ASPECTS

3. As of 20 January 1993, the military component of MINURSO totalled 328 personnel including, 228 military observers and 100 support personnel.

(*a*)	*United Nations military observers and headquarters personnel*	
	Argentina	7
	Australia	2
	Austria	1
	Bangladesh	1
	Belgium	1
	Canada	16
	China	20
	Egypt	9
	France	30
	Ghana	1
	Greece	1
	Guinea	1
	Honduras	14
	Ireland	6
	Italy	6
	Kenya	10
	Malaysia	1
	Nigeria	1
	Pakistan	1
	Poland	2
	Russian Federation	30
	Switzerland	1
	Tunisia	8
	United Kingdom of Great Britain and Northern Ireland	15
	United States of America	28
	Venezuela	15
	Subtotal (*a*)	228
(*b*)	*Signals Unit*	
	Australia	43
(*c*)	*Movement control*	
	Canada	16
(*d*)	*Medical Unit*	
	Switzerland	41
	Total	328

4. In addition, 103 civilian staff members, 69 of whom are internationally recruited and 34 locally recruited, were assigned to MINURSO in support of its military mandate. This figure does not include pilots and other crew members of two fixed-wing aircraft and five helicopters provided by the companies from which the aircraft have been leased.

5. As reported in my letter dated 16 September 1992 to the President of the Security Council [*S/24579*], the tour of duty of Brigadier-General Luis Block Urban of Peru, who had served as Acting Force Commander of MINURSO since 24 April 1992, came to an end on 30 September 1992. Following the usual consultations, I appointed Brigadier-General André Van Baelen of Belgium to the post of Acting Force Commander, with effect from 1 October 1992.

6. Pending the fulfilment of the conditions necessary for the commencement of the transitional period in accordance with the timetable and plan of action set out in document S/22464, MINURSO's military mandate remains restricted to monitoring and verifying the cease-fire in effect since 6 September 1991. I am pleased to report that there were no breaches of the cease-fire resulting in casualties on either side and that violations were without exception of a non-violent nature. Still I have noted with concern a reversal in the downward trend in the number of violations discerned during the period 29 May to 20 August 1992 when only six violations were reported by the Acting MINURSO Force Commander. By contrast, no less than 50 violations were reported in the period 20 August 1992 to 20 January 1993, with 46 of them attributed to Morocco and 4 to the Frente POLISARIO [*Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro*]. Of the former violations, 22 related to overflights, 13 to improvements of defensive works and 11 to unauthorized troop movements. On the Frente POLISARIO side, all four violations involved troop movements without prior notification and permission. Additionally, the POLISARIO filed complaints alleging 24 overflights over and above the 22 which could be confirmed by MINURSO's own observations.

7. Even though there have been no explosions affecting MINURSO personnel since my last report, minefields continued to pose grave danger to MINURSO patrols in the performance of their duties. As stressed in earlier reports, it is essential that both parties make available, without delay, all existing charts and other information indicating the exact location of mines. Meanwhile, the observers continue to abide by existing instructions not to stray from well-beaten and familiar routes. But inevitably, such restrictions detract from the ability of MINURSO to carry out its mandate in the most efficient manner possible.

8. The Swiss Medical Unit continued to provide efficient medical services to MINURSO personnel. Because of the continuing uncertainty about MINURSO's full deployment, the Swiss authorities suggested and I agreed to a reduction in the strength of the Medical Unit, which dropped from 59 to 41 by 20 January 1993. As part of this reduction, the clinic in Dakhla has been dismantled and as of 6 December the clinic in Smara was reduced to a forward medical post with a capacity limited to emergencies and medical evacuations.

9. I wish to express my appreciation to the Governments contributing military observers to MINURSO. Furthermore, I take this opportunity to express my warm thanks to Brigadier-General Block for the diligence with which he led MINURSO from 24 April until 30 September 1992. I also wish to pay a tribute to his successor, Brigadier-General Van Baelen, and to all the men and women, both military and civilian, under his command. They have performed with efficiency and devotion the tasks assigned to them by the Security Council.

II. OTHER ASPECTS

10. At the invitation of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), President Abdou Diouf of Senegal, my Special Representative visited Dakar from 9 to 11 September 1992 in order to brief the Chairman on the current status of the settlement plan co-sponsored by the OAU. While expressing concern at the protracted impasse in the settlement process, President Diouf gave assurances of continuing support of the OAU for ongoing efforts to overcome obstacles as well as for any new initiatives for reactivating the settlement plan.

11. My Special Representative then visited the mission area from 10 to 15 October 1992. In Rabat he was received by King Hassan II. Subsequently, he met the Secretary-General of the Frente POLISARIO, Mr. Mohammed Abdelaziz, in Tindouf. Before returning to New York, he met in Algiers for the first time with President Ali Kafi and separately, with the Prime Minister, Mr. Belaid Abdeslam. On his return to New York, my Special Representative briefed the Permanent Representative of Mauritania to the United Nations on the outcome of his mission.

12. As I indicated in my letter of 2 October 1992 to the President of the Security Council [*S/24644*], the talks between my Special Representative and each of the parties concerning the interpretation of the criteria for eligibility to vote annexed to my predecessor's report of 19 December 1991 [*S/23299*] began at United Nations Headquarters on 25 August 1992 and continued until 25 September 1992. The annex to the present report provides an account of the results of these talks, which dealt with the interpretation of the criteria and other relevant instructions set out in the annex to the said report, concerning, in particular, evidence in support of individual applications for participation in the referendum.

13. In this context, it is worth recalling at the outset the basic positions of Morocco and the Frente POLISARIO regarding the provisions of the settlement plan (set out in document S/21360 of 18 June 1990 and elaborated further in document S/22464 of 19 April 1991) which relate to the establishment of the electorate.

14. In paragraph 61 of document S/21360, the plan for the implementation of the proposals for the settlement of the question of Western Sahara stipulates that the Identification Commission will implement the agreed position of the parties that all Western Saharans counted in the 1974 census undertaken by the Spanish authorities and aged 18 years or over will have the right to vote, whether currently present in the Territory or outside as refugees or for other reasons. In paragraph 20 of the detailed report on the implementation of the settlement proposals [*S/22464*], it is stipulated that the Identification Commission's mandate to update the 1974 census will include (*a*) removing from the lists the names of persons who have since died and (*b*) considering applications from persons who claim the right to participate in the referendum on the grounds that they are Western Saharans and were omitted from the 1974 census.

15. In this connection, Morocco maintains that all persons having Saharan status should have the right to participate in the referendum and that, accordingly, Saharans who for various reasons were omitted by the Spanish authorities in 1974 should be considered on the same basis as those who were counted; hence, Morocco regards the list of persons counted in 1974 as a point of reference for the establishment of the electorate. For its part, the Frente POLISARIO maintains that, in the initial agreement, the two parties agreed that the 1974 list would be the sole basis of the electorate and that, accordingly, the Saharans counted in 1974 should constitute the vast majority of persons authorized to participate in the referendum, while Saharans omitted from the census should constitute an exception to that group. The two parties thus have radically opposing points of view concerning the relevant provisions of the settlement plan, with one attaching primary importance to the list of persons counted in 1974 and the other considering that its importance is relative.

16. It should also be recalled that my predecessor, in setting out the instructions relating to the tasks of the Identification Commission, including the criteria for eligibility to vote, as annexed to the report of 19 December 1991 [*S/23299*], believed that they constituted a just and fair basis for the monitoring of the referendum. For the reasons outlined in the preceding paragraph, Morocco, while considering these criteria to be unduly restrictive, nevertheless accepted them. The Frente POLISARIO, however, considered that these criteria would unduly expand the electorate beyond the 1974 list; since it viewed the 1974 census as a key provision of the settlement plan, to which the two parties had agreed and which could not be changed without their consent, the Frente POLISARIO rejected these criteria on the ground that they were incompatible with the relevant provisions of the plan.

17. The parties' opposing points of view concerning the basic question of the establishment of the electorate largely accounts for their

differences, as made clear in their recent talks with the Special Representative, with regard to both the interpretation of the criteria and the equally important question of evidence in support of applications for participation in the referendum. In this connection, the Frente POLISARIO emphasized the special importance of written evidence emanating from the Territory, in other words, authentic documents issued by the Spanish authorities in the Territory, while Morocco emphasized the equal importance, in a nomadic and traditional society, of oral testimonies and official documents, regardless of their source.

18. Since the outcome of these talks was not conclusive, I agreed, as mentioned in my letter to the President of the Security Council dated 2 October 1992 [*S/24644*], that my Special Representative should undertake further consultations with a view to clarifying certain unresolved questions. We also informed the members of the Security Council of our intention to try to determine with the parties whether a meeting of tribal chiefs such as that organized by the United Nations at Geneva in June 1990 could contribute to the resolution of the problems impeding the implementation of the settlement plan.

19. Further to the letter from the President of the Security Council dated 8 October 1992 [*S/24645*] welcoming our intention, my Special Representative decided, in consultation with the parties, to invite 38 Western Saharan tribal chiefs to a consultative meeting on 30 November and 1 December 1992 at the Palais des Nations at Geneva. The Special Representative had sent both parties a letter to that effect on 11 November 1992. The participants, of whom 19 had been designated by the Government of Morocco and 19 by the Frente POLISARIO, were to advise the Special Representative on questions relating to the means of identifying persons authorized to participate in the referendum to be organized by the United Nations in Western Sahara.

20. Regrettably, because of differences relating to the powers of some participants designated by the Moroccan party, this consultative meeting had to be cancelled, despite the compromise proposals put forward by the Special Representative to the delegations of both parties at Geneva.

21. On the understanding that a separate meeting could not take the place of the advisory meeting which could not be held, the Special Representative received, at the request of the Moroccan party, the delegation of notables designated by Morocco, who presented him with a document to apprise him of their point of view. The delegation designated by the Frente POLISARIO did not request a similar meeting.

III. THE SITUATION IN MISSION AREA

22. As I advised the Council in my report of 20 August 1992 [*S/24464, paras. 10-12*], the Government of Morocco had announced its intention to hold a referendum on constitutional reform as well as municipal and legislative elections within the coming months. For reasons explained to my Special Representative during his visit to Rabat in early August and confirmed in a letter from Morocco's Minister for Foreign Affairs to me dated 21 August 1992 [*S/24484*] the Government of Morocco was reluctant to consider postponing these plebiscites. The Minister's letter states, *inter alia*, that the holding of the referendum and the national elections could not in any way be linked to the referendum to be held under the United Nations settlement plan, "because of the radically different nature and objectives of the two consultations".

23. The referendum on constitutional reform which was held on 4 September 1992 resulted in the adoption of a series of proposed amendments to the Moroccan Constitution, one of which introduces the "Region" as a new administrative subdivision. In a public address on 8 September 1992, King Hassan II announced that Western Sahara would form the first such Region and enjoy priority in terms of development.

24. On 16 October 1992, municipal elections were held in Morocco and in the Territory. Various incidents involving demonstrators were reported in the Territory of Western Sahara both before and after these elections. In two instances, on 8 and 9 October respectively, a group of youths entered the MINURSO sub-headquarters at Smara in connection with disturbances there. In both cases, the youths left the compound of their own volition accompanied by MINURSO personnel after appropriate assurances had been sought and obtained from local authorities.

25. Subsequently, in various communications addressed to me, my Special Representative and the Force Commander of MINURSO, the Frente POLISARIO reported grave incidents allegedly involving violence and arrests throughout the Territory. While confirming the occurrence of public demonstrations in the Territory related to the electorial campaign, Morocco denied these allegations. It is pertinent to recall that while MINURSO's current military mandate is strictly limited to the monitoring and verification of the cease- fire, MINURSO, as a United Nations mission, could not be a silent witness to conduct that might infringe the human rights of the civilian population. Hence MINURSO patrols were alerted to possible unrest. Their reports did not corroborate the allegations made by the Frente POLISARIO.

26. In letters recently addressed to the United Nations High Commissioner for Refugees and myself, Morocco has strongly urged investigation into allegedly serious aspects of the situation prevailing in the camps at Tindouf, Algeria. I shall inform the Council, as appropriate, should there be any findings that bear on MINURSO'S mandate and might warrant the Council's attention.

IV. FINANCIAL ASPECTS

27. The General Assembly, by its resolution 45/266 of 17 May 1991, appropriated an amount of $143 million gross ($140 million net) for the operation of MINURSO. As at 30 November 1992, there was a projected balance of $70.8 million gross ($70 million net) remaining from this appropriation. Should the Security Council decide to extend MINURSO, assuming continuation of its existing functions, appropriate financial commitments will be sought from the General Assembly or through the Advisory Committee on Administrative and Budgetary Questions. As at 30 November 1992 unpaid assessed contributions to the MINURSO special account amounted to approximately $21 million.

V. OBSERVATIONS

28. The settlement plan for Western Sahara contained in my predecessor's report to the Security Council of 18 June 1990 [*S/21360*] and amplified and complemented with a detailed timetable in his further report of 19 April 1991 [*S/22464*] is based on proposals to which the parties had freely agreed in August 1988. Moreover, both parties were extensively consulted on all major aspects of the aforementioned reports before they were issued and subsequently approved by the Security Council. The resultant plan was designed to serve as a definite and agreed framework for the entire settlement process, starting with a cease-fire and culminating in a referendum, without the need for negotiating any further agreements for elaborating the details of the plan. It soon became evident, however, that notwithstanding the prior acceptance of the general provisions of the settlement plan, there were important substantial disagreements between the parties regarding fundamental issues. As underlined in paragraph 55 of my predecessor's report of 19 April 1991 amplifying the settlement plan, the full cooperation of both parties is an essential condition for the holding of the referendum. Faced with this situation, my predecessor and senior members of his staff worked closely with representatives of both parties in the final months of 1991 in an effort to arrive at a workable compromise. It was the consummation of this painstaking endeavour that was reflected in the annex to the Secretary- General's report of 19 December 1991.

29. In the intervening period, in spite of intensive efforts exerted by me and my Special Representative, it has unfortunately not been possible to resolve the dilemma that impinges on the very core of the settlement plan. These efforts have included my Special Representative's talks with the parties on safeguards and guarantees in June and July of last year, the results of which were described in my report of 20 August 1992 [*S/24464*]; a further round of talks concerning documentary and oral evidence in August and September 1992; and, lastly, an attempt to organize a meeting of tribal chiefs in Geneva at the end of November 1992.

30. The results of my Special Representative's talks with the parties concerning documentary and oral evidence and testimony to be used and accepted for the identification of voters are described in the annex to the present report. Understandably, the differences between the two parties on the issues involved mirror their respective positions on what ought to be the composition of the electoral body. One of the parties advocates liberal use of both documentary and oral evidence from different sources, whereas the other party insists on much more restrictive rules in this regard. It was with this specific end in view that I agreed with the proposal of holding a meeting of tribal chiefs at the end of November 1992 so that such a conclave might help in defining the elements of a compromise.

31. Whatever hopes for a compromise that might have existed were frustrated at the meeting of tribal chiefs in Geneva for the reason explained in paragraph 20 above. This set-back demonstrates starkly the futility of the efforts undertaken with vigour and resource by my Special Representative over the past eight months to seek a way out of the existing deadlock. It is indeed disappointing that the rules established in agreement with the parties for the selection of participants were not strictly respected by all concerned. But I find it even more regrettable that the parties failed to prove equal to the test of making an effort to reach a relatively straightforward compromise on the holding of a meeting, the main purpose of which went no further than to provide my Special Representative and me with advice on the procedures for the identification of voters eligible to participate in the referendum.

32. The above review describes the developments that have taken place since my last report to the Security Council on 20 August 1992. Three broad options would now seem to be available:

(*a*) Continuation, and if possible, intensification of talks. It is my considered opinion, however, that the chances for success under this option are very slim;

(*b*) Immediate implementation of the settlement plan on the basis of the instructions for the review of applications for participation in the referendum appearing in the annex to my predecessor's report of 19 December 1991 [*S/23299*]. This may mean that the implementation would have to proceed without the cooperation of one of the parties;

(*c*) A third option would be to adopt an alternative approach not based on the settlement plan.

33. In the light of the above considerations, I am requesting guidance from the Security Council on how best to proceed. Evidently, given the background as well as the critical stage which has been reached, this guidance should be given by way of a resolution of the Security Council.

34. Depending on the Council's decision, the role and the strength of MINURSO will have to be adjusted. Likewise, revised budget estimates will have to be drawn up and approved. I shall formulate the corresponding plan and estimates in the light of the Council's decision and seek the necessary approval.

ANNEX

Interpretation by the parties of the criteria for eligibility to vote and other instructions relating to the tasks of the Identification Commission

1. As the Secretary-General mentioned in his letter of 2 October 1992 to the President of the Security Council [*S/24644*], the Special Representative of the Secretary-General held a series of talks with each of the parties from 25 August to 25 September 1992 on the interpretation of the criteria for participation in the referendum to be organized by the United Nations in Western Sahara, in accordance with the plan for the implementation of the settlement proposals (set out in document S/21360 of 18 June 1990 and elaborated further in document S/22464 of 19 April 1991). Here follows an account of the outcome of those talks, during which the parties presented their respective interpretations of the criteria for eligibility to vote and other instructions relating to the work of the Identification Commission, annexed to the report of the Secretary-General of 19 December 1991 [*S/23299*].

I. CRITERIA FOR ELIGIBILITY TO VOTE

2. The Frente POLISARIO continued to stress that, as stipulated in the settlement plan agreed by both parties, the persons listed in the 1974 census constitute the sole basis of the electorate and that the criteria set out in the annex to the report of 19 December 1991 were incompatible with this key provision of the plan. The Frente POLISARIO emphasized throughout the talks that its readiness to discuss the interpretation of the December 1991 criteria at the request of the Special Representative in no way implied acceptance thereof. Nevertheless, the Frente POLISARIO stated that it was prepared to accept the criteria as a whole on one condition: sole reliance, for purposes of verification, on the authentic documents issued by the Spanish Territorial authorities. Morocco, which considered those documents to be less than satisfactory but accepted the criteria set out in document S/23299, continued to insist on their immutability in order to prevent a reopening of the debate on that issue and thereby prevent any backward movement.

3. The criteria set out in the annex to document S/23299 can be regrouped into five criteria:

1. Persons whose names are included in the revised 1974 census list (para. 23);

2. Persons who were living in the Territory as members of a Saharan tribe at the time of the 1974 census but who could not be counted (para. 25);

3. Members of the immediate family of the first two groups (father, mother and children) (paras. 23 and 26);

4. Persons born of a Saharan father born in the Territory (para. 29);

5. Persons who are members of a Saharan tribe belonging to the Territory and who have resided in the Territory for 6 consecutive years or intermittently for 12 years prior to 1 December 1974 (paras. 30 and 31).

4. The talks dealt specifically with the interpretation of criteria 4 and 5, which present the Frente POLISARIO with the greatest problems in terms of applicability, compatibility and legality with regard to the relevant provisions of the settlement plan [*S/21360 and S/22464*].

A. *Criterion 4*

5. Both parties agreed that, in implementing the provisions of paragraph 29 of the annex to the report contained in document S/23299, proof of the father's birth in the Territory is a ***sine qua non*** for eligibility. However, the convergence of views on criterion 4 is limited to this point.

6. For the Frente POLISARIO, criterion 4 constitutes a derogation from the provisions of paragraphs 24 and 61 of document S/21360 and is consequently unacceptable. The Frente POLISARIO remains open to any compromise proposals on this issue. Having nevertheless agreed to discuss with the Special Representative the interpretation of criterion 4 as worded, the Frente POLISARIO pointed out that the provisions of that criterion suffered from omissions and contradictions. Specifically, criterion 4 as interpreted by the Frente POLISARIO does not accord the right to vote to a father born in the Territory; in contrast, it lets persons who may be foreign to the Territory participate in the referendum.

7. Morocco considers it logical that a father, conferring Saharan status on an individual, should automatically have the right to participate in the referendum. Accordingly, the limitation to a single generation applies solely to subsequent generations (that is, to an individual's children) and not to prior generations (i.e. to the individual's father).

B. *Criterion 5*

8. The Frente POLISARIO insists that this criterion must take into account the dates on which the States bordering Western Sahara gained independence, dates which it considers to be points of reference required under the plan to mark the internationally recognized boundaries of the Territory. To be eligible to vote on the basis of criterion 5, then, a person who was outside the Territory at the time of the 1974 census, in Morocco, Mauritania or Algeria, would have to prove that he had resided for 6 consecutive years or intermittently for 12 years in the Territory during the periods from 1958 to 1974, 1960 to 1974 or 1962 to 1974 respectively.

9. Noting the nomadic character of Saharan society and the displacement which occurred as a result of the colonial presence in the Territory, as well as the hostile reactions of Saharan residents to colonization, Morocco believes that length of residence should be calculated as of 1884, the inception of Spanish colonization of the Territory.

II. SUPPORTING EVIDENCE

10. The instructions annexed to the report of 19 December 1991 call for two types of evidence which individuals must furnish in support of their application to participate in the referendum: "official documents, well known to the Saharans and used by them" and "oral testimonies [...], given under appropriate conditions" (para. 32).

A. *Official documents*

11. Throughout the talks, the Frente POLISARIO held that the problems relating to evidence only complicated the problems relating to criteria other than the 1974 census. Any person omitted from that census and not indigenous to the Territory could in fact claim by fraudulent means that he was entitled to participate in the referendum. Basing itself on the principle that no one but the Saharan people may determine that people's future, the Frente POLISARIO insists that any proof submitted in support of an application can come only from the Territory. In the case of documents, this means only authentic documents issued by Spanish Territorial authorities, such as identity cards, residency permits, family record books and passports. The Frente POLISARIO considers that written evidence originating in the two parties to the conflict is politically motivated and thus cannot be impartial. Stressing that one's affiliation with Western Sahara can be proved only by documents from the Territory, the Frente POLISARIO maintains that documents from any other source, including Algeria, Mauritania and the former French Protectorate of Morocco, cannot be considered.

12. Morocco disputes the impartiality of the Spanish colonial authorities but considers acceptable in principle any authentic official documents regardless of their origin, provided that the Identification Commission can verify their authenticity and that the written evidence can be corroborated by oral testimony. Morocco has cited as examples of official documents: birth, death and marriage certificates, particularly to support applications to participate in the referendum based on criterion 4; royal *dahirs*, chiefly to certify membership in certain tribal groups in the Territory; and certificates issued by an *adl*, to support applications to participate on the basis of any one of the eligibility criteria.

B. *Oral testimony*

13. For the Frente POLISARIO, oral testimony may be solicited (*a*) to certify an individual's tribal affiliation and (*b*) to provide physical identification of an individual (confirming that a person claiming to be X is actually X). Only sheikhs belonging to an individual's subfraction and included in the list of sheikhs drawn up by the Spanish Territorial authorities can give such testimony. These witnesses must swear on the Koran before the appointed cadi that they will tell the whole truth and nothing but the truth. Citing the natural limitations of memory over events that occurred in the early years of the century and the risk that psychological and economic pressure might be exerted on the sheikhs, the Frente POLISARIO is opposed to oral testimony in support of applications made on the basis of criteria 4 and 5. For the same reasons the Frente POLISARIO will not accept any substitution of oral testimony for written evidence.

14. Morocco, on the other hand, maintains that, in cases where an individual has no documents, testimony by sheikhs and other tribe members can take the place of written evidence if it is given according to Saharan tradition and customs. Morocco specified in this connection that oral testimony can be given by two *udul* or 22 witnesses; testimony can also be given in a form recognized by the tribe or certified by the cadi.

III. TRIBAL AFFILIATION

15. Paragraph 21 of the annex to the report of 19 December 1991 stipulates that, "for actual identification, it is the membership of a family group (subfraction of a tribe) existing within the Territory, which can be attested to by the sheikhs and notables of the family group, that should eventually prevail for eligibility to participate in the referendum".

16. Both parties agree that membership in a tribe does not in itself entitle an individual to participate in the referendum. The individual must in all cases meet one of the criteria for eligibility in order to vote in the referendum.

17. The Frente POLISARIO considers a subfraction to be established in the Territory if the majority of its members were counted in the 1974 census and believes that any individual omitted from the census list should be included in a subfraction that meets this condition. Morocco rejects this interpretation as arbitrary and inconsistent with historical and geographical facts.

DOCUMENT S/25172

Note by the Secretary-General

[*Original: English*]
[*29 January 1993*]

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Council resolution 687 (1991).

ANNEX

Report by the Executive Chairman of the Special Commission

1. In response to a wish expressed by the members of the Security Council, the Special Commission herewith presents an account of the Commission's operations in connection with the events since Iraq first informed the Commission that the Commission would not be allowed to use its aircraft to transport personnel and equipment into Iraq from the Commission's Field Office in Bahrain. In this context, and for the sake of clarity, brief references to the Commission's rights and obligations are included.

MANDATE

2. The Special Commission was established pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991), *inter alia*, in order:

(*a*) To carry out immediate on-site inspections of Iraq's biological, chemical and missile capabilities;

(*b*) To take possession for the destruction, removal or rendering harmless of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities;

(*c*) To supervise the destruction by Iraq of all its ballistic missiles with a range greater than 150 kilometres and related major parts, including launchers, and repair and production facilities; and

(*d*) To assist the Secretary-General in developing a plan for the future ongoing monitoring and verification of Iraq's compliance with its obligation not to use, develop, construct or acquire any of the items listed above.

3. In addition, the Commission has been charged with certain duties and responsibilities, such as transportation, communication and logistic support, information and surveillance. These have been enumerated in detail in Security Council resolutions 707 (1991) and 715 (1991).

4. Following the adoption of the Security Council resolution 687 (1991), the Office of Legal Affairs was asked to comment on the status of the Special Commission. It stated that the Commission was to be treated as a subsidiary organ of the Security Council.

5. In practical terms, the Special Commission seeks to implement its mandate without reference to the Security Council on operational issues. This includes the decision as to whether conditions are such as to permit continued operations while ensuring the safety and security of Commission personnel and property. If the Commission is blocked in its efforts to fulfil its mandate, it informs the Council, through the President, of the situation forthwith. Responsibility then lies with the Council and its members, not the Commission, i.e. to decide what action is required to rectify the situation. In short, the Commission is given responsibility for implementation, and the Council preserves for itself enforcement.

6. This principle was confirmed during the March 1992 meeting of the Council addressed by the Deputy Prime Minister of Iraq, Mr. Tariq Aziz [*3059th meeting*]. During that meeting, Mr. Aziz sought the Council's intervention in differences between Iraq and the Special Commission on such an operational matter as the destruction of certain equipment designated for destruction by the Commission. The members of the Council reaffirmed that it was for the Special Commission alone to determine which items must be destroyed under paragraph 9 of resolution 687 (1991) [*see S/23663 and S/23699*].

RECENT EVENTS

7. On 7 January 1993, the Office of the Special Commission in Baghdad received a note from the Ministry of Foreign Affairs of Iraq stating that henceforth the Commission would be denied the use of the Habbaniyah airfield and that the Commission should use either Iraqi aircraft to transport its personnel and equipment between Bahrain and Iraq or the land route from Amman. This was duly reported orally by the Commission to the Security Council on 8 January, resulting in the relevant parts of the presidential statement issued that day [*S/25081*], and subsequently supplemented by a letter to the President of the Security Council (see appendix I). The statement noted that the restrictions placed on the Commission's flights constituted an "unacceptable and material breach" of the relevant provisions of Council resolution 687 (1991) and contained a warning to Iraq about serious consequences that would ensue from failure to comply with its obligations.

8. On 9 January 1993, the Executive Chairman of the Special Commission sent, through the Permanent Mission of Iraq to the United Nations, a letter to the Minister for Foreign Affairs (see appendix II), informing him of the content of the presidential statement and attaching new notifications for Special Commission flights in accordance with the established procedures. A third-person note (see appendix III) containing the same message was delivered to the Ministry of Foreign Affairs in Baghdad the next morning. During the meeting in which the note was delivered, the Iraqi official cited a letter, dated 9 January, from the Minister for Foreign Affairs to the President of the Security Council [*S/25086*], linking the decision not to permit Special Commission flights to the Sanctions Committee decision not to permit Iraqi Airways to resume its international operations and restating the options

offered to the Commission of using Iraqi aircraft or the land route. The Executive Chairman of the Commission was referred to the same letter in a response from the Permanent Representative of Iraq to the United Nations.

9. This response was reported to the Council on 11 January and resulted in the relevant sections of the presidential statement issued that day in which the Council demanded that Iraq cooperate fully with the Special Commission and warned Iraq of "the serious consequences that will flow from such continued defiance" [*S/25091*]. This statement was responded to formally by the Minister for Foreign Affairs of Iraq on 12 January in a letter to the Secretary-General. In a further letter of 13 January to the President of the Security Council, the Minister for Foreign Affairs again refused to allow flights under the normal procedures, stating that flights would be accepted on a case-by-case basis but that Iraq could bear no responsibility for the safety of the Commission's aircraft. Furthermore, the response did not address the issue of the notifications already with Iraq.

10. On 14 January, the Commission delivered a second note (see appendix IV) to the Iraqi authorities together with new notifications for its flights. The Commission stated its expectation that it would receive acknowledgement in writing in good time for the flights to proceed without delay.

11. As of the morning of 15 January, no response to these notifications had been received. The Executive Chairman therefore informed the Permanent Representative of Iraq to the United Nations, Ambassador Nizar Hamdoon, in a telephone conversation that, unless the Commission received a response before 1600 hours (EST) that afternoon, he would be obliged to inform the Council that a further flight had been blocked by Iraq's actions. At 1300 hours (EST), the Commission received a note from the Ministry of Foreign Affairs which reiterated the fact that Iraq would bear no responsibility for the safety of Commission flights and extended that condition to cover any confusion or error on the Iraqi side. Later that evening the Commission sent to the Permanent Mission of Iraq to the United Nations a further note (see appendix V) containing new flight notifications and demanding that they be acknowledged in accordance with Iraq's obligations. This note was also delivered directly to the Ministry in Baghdad the next morning by the Special Commission Field Office there. The note was accompanied by the Executive Chairman's letter to the President of the Security Council (see appendix VI) informing him that the Iraqi response had constituted a refusal on the part of Iraq of the Commission's notifications because it abdicated Iraq's responsibility for ensuring the security and safety of Commission personnel. The letter to the President also stated that the Commission had made new flight notifications to Iraq with the expectation that those notifications would be acknowledged in accordance with Iraq's obligations.

12. On 16 January, the Commission received a further note from the Ministry of Foreign Affairs. It stated that Iraq would guarantee the safety of the Commission's flights to and from Habbaniyah airfield if they entered Iraqi airspace from Jordanian airspace and requested further notifications from the Commission for new flight paths following that route. The Commission responded in a note (see appendix VII) the same evening, reminding Iraq of its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991), and the exchange of leters of May 1991 between the Secretary-General and the Minister for Foreign Affairs of Iraq, informing Iraq that it could not operate using the longer route specified by Iraq, and explaining that it coordinated routinely with the States patrolling the "no-fly zone" so that the aircraft of those States did not represent a threat to the safety of the Commission's aircraft. The Commission informed the Iraqi authorities of its intention to fly using the direct route between its base of operations in Bahrain and Habbaniyah airfield and demanded that Iraq ensure the security and safety of the Commission's flights.

13. On 17 January, the Commission received another note stating that Iraq would guarantee the safety of the Commission's aircraft if the Commission would guarantee that coalition aircraft did not fly in Iraqi airspace while the Commission's aircraft were in the air. In response the same day, the Commission sent a note (see appendix VIII) stating that it was not in a position to provide the guarantees referred to in the Iraqi note. The reply again stressed that the Commission would coordinate with the States concerned to ensure the conditions for safe flight in the "no-fly zone" and again demanded guarantees from Iraq that it would ensure the security and safety of the flights previously notified to Iraq. The Commission also stated that it would coordinate closely with the Iraqi authorities in this matter.

14. In the evening (EST) of 18 January, Iraq sent a note which merely reiterated the condition for Commission flights set the previous day.

15. At 1300 hours on 19 January, Iraq informed the Commission that, on the basis of the statement of the Revolution Command Council, it would allow the resumption of Commission flights in accordance with established procedure as agreed by the two sides. By telephone, a guarantee was given that Iraq would ensure the safety of the Commission's aircraft.

COMMENTARY

16. It can be seen from the above that this recent crisis concerning the flights of the Special Commission's aircraft was brought about by Iraq's initial refusal on 7 January 1993 to permit the Commission to use its aircraft to transport its personnel and equipment into Iraq. This was a most serious breach of Iraq's obligations under the Council's resolutions 687 (1991), 707 (1991) and 715 (1991), all adopted under Chapter VII of the Charter of the United Nations, and the exchange of letters of May 1991 between the Secretary- General and the Minister for Foreign Affairs of Iraq. It should also be noted that Iraq was required to, and did, acknowledge explicitly in writing its acceptance of the provisions of resolution 687 (1991), establishing the cease- fire and providing the conditions essential for the restoration of peace and security in the region, and the agreement on the facilities, privileges and immunities contained in the exchange of letters [*S/22456*].

17. Upon learning of Iraq's refusal of the Commission's right to fly its aircraft, the Commission reported the matter to the President of the Security Council and, in an informal session of the Council, to the members. Upon the statement by the Council, the Commission immediately sought to resume its operations and hence to allow Iraq to erase its breach by allowing the Commission to exercise its rights without conditions. Iraq, as it did on each subsequent occasion until 19 January 1993, again repeatedly refused to allow the Commission to exercise its rights without condition. At each Iraqi refusal, the Commission immediately informed the President of the Council of the situation and subsequent actions. Each time it also responded to Iraq the same day, offering a way for Iraq to meet its obligations, e.g. by stating that, through the Commission's coordination with the States enforcing the "no-fly zone", the conditions for safe flight would be ensured, provided Iraq did not itself threaten the flights.

APPENDIX I

Letter dated 8 January 1993 from the Executive Chairman of the Special Commission addressed to the President of the Security Council

I have the honour, in agreement with the Director General of the International Atomic Energy Agency (IAEA), to bring to your attention the following adverse development affecting the work of the Special Commission and IAEA in implementation of their mandates under section C of Security Council resolution 687 (1991) and other relevant Security Council resolutions and decisions.

The Special Commission has received a note from the Iraqi Ministry of Foreign Affairs concerning its use of aircraft in support of its operations in Iraq. The note suggests that the Special Commission might charter Iraqi aircraft for its transport needs or use the land route. It insists that no aircraft, other than chartered Iraqi aircraft, will henceforth be allowed to use Habbaniyah airfield, which has so far served as the sole point of entry into Iraq for the Commission's fixed-wing aircraft.

This prohibition on the Special Commission's use of its own aircraft in support of its operations in Iraq is a most serious breach of Iraq's obligations under the pertinent decisions of the Security Council, including Security Council resolutions 687 (1991), 707 (1991) and 715 (1991), and of Iraq's obligations under its agreement with the United Nations relating to the facilities, privileges and immunities of the Special Commission and IAEA in Iraq. Specific provisions which would be violated if Iraq persists include:

(*a*) *The exchange of letters between the Minister for Foreign Affairs of Iraq and the Secretary-General of May 1991*

The exchange provides that the facilities, privileges and immunities of the Special Commission shall include:

"(i) Unrestricted freedom of entry and exit without delay or hindrance of its means of transport;

"(ii) Unrestricted freedom of movement without advance notice within Iraq of ... its equipment and means of transport;

"...

"(x) Acceptance of United Nations registration of means of transport on land, sea and in the air and United Nations licensing of the operators thereof";

(*b*) *Security Council resolution 707 (1991)*

Paragraph 3 "Demands that Iraq:

"...

"(*e*) Allow the Special Commission, the [*International Atomic Energy*] Agency and their inspection teams to conduct both fixed-wing and helicopter flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial surveys, transportation and logistics without interference of any kind and upon such terms and conditions as may be determined by the Special Commission, and to make full use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission;

"(*g*) Ensure the complete enjoyment, in accordance with its previous undertakings, of the privileges, immunities and facilities of the representatives of the Special Commission and the Agency and guarantee their complete safety and freedom of movement";

(*c*) *The plan for ongoing monitoring and verification [S/22871/Rev.1], approved by Security Council resolution 715 (1991)*

Paragraph 17 states that "the Special Commission shall have the right:

"...

"(*e*) To designate for aerial overflight any area, location, site or facility in Iraq;

"(*f*) To conduct, at any time and without hindrance, both fixed-wing and rotary-wing flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial overflights (surveys), transportation and logistics without interference of any kind and upon such terms and conditions as may be determined by the Special Commission;

"(*g*) To make full use of its own aircraft with appropriate sensors as necessary and such airfields in Iraq as the Special Commission may determine are most appropriate for its work".

Paragraph 18 of the plan stipulates that "Iraq shall

"...

"(*b*) Accept unconditionally aerial overflight of any area, location, site or facility designated by the Special Commission;

"...

"(*d*) Accept unconditionally and cooperate with the Special Commission in conducting fixed-wing and rotary-wing flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial overflights (surveys), transportation and logistics without interference of any kind and upon the terms and conditions determined by the Special Commission;

"(*e*) Accept unconditionally the Special Commission's determinations regarding use of the Commission's aircraft with appropriate sensors as necessary and airfields in Iraq for such aircraft;

"(*f*) Not obstruct aerial overflights ... ;

"(*g*) ... ensure the complete implementation of the privileges and immunities of the personnel of the Special Commission and their complete safety and freedom of movement;

"(*h*) Cooperate fully with the Special Commission and facilitate its inspections, overflights and other activities under the plan;

"(*i*) Accept unconditionally the rights of the Special Commission under the plan and not take any action to interfere with, impede or obstruct the exercise by the Special Commission of its functions and rights under Security Council resolutions 687 (1991), 707 (1991) and the plan".

Taken together with the other instances of Iraq's failure to meet its obligations under the resolutions and decisions of the Security Council, which have been reported to the Council most recently in the Special Commission's semi-annual report on its operations dated 17 December 1992 and circulated in document S/24984, this latest serious breach could bring the Special Commission's and IAEA's activities in Iraq, including on-site inspections pursuant to Security Council resolution 687 (1991), to a virtual standstill unless Iraq immediately accepts the Special Commission's aircraft landing and taking off from appropriate airfields of the Commission's choice, in particular in the Baghdad area, and complies with all its other obligations under the relevant Security Council resolutions and decisions.

I should be grateful if you could have this letter brought to the attention of the members of the Security Council for appropriate action.

(*Signed*) Rolf EKEUS
Executive Chairman
Office of the Special Commission

APPENDIX II

Letter dated 9 January 1993 from the Executive Chairman of the Special Commission addressed to the Minister for Foreign Affairs of Iraq

I learnt with alarm of the note of 7 January 1993 passed from the Ministry of Foreign Affairs to our Field Office in Baghdad, in which the Ministry informed the Special Commission of the decision of the Government of Iraq that the Commission would no longer be able to use its own aircraft for transport into Iraq.

As the Office of the Special Commission has already informed your Permanent Mission to the United Nations, this matter was brought to the attention of the President of the Security Council in the course of 8 January 1993. The Council then considered the issue and, in formal session, adopted a presidential statement [*S/25081*]. This statement notes that the actions of the Government of Iraq represent an unacceptable and material breach of its obligations. It demands that the Government of Iraq abide by all its obligations arising from Security Council resolutions and agreements between the Government of Iraq and the United Nations. It also states that failure to abide by these obligations will have serious consequences.

In these circumstances, I have instructed the Special Commission Field Office in Baghdad to present to the Ministry again the flight plans for the UNSCOM C-160 aircraft flights for the coming days. The Special Commission expects to receive acknowledgement in writing of these flight plans in good time for the flights to proceed without delay. Any delay in the receipt of a positive response will be reported to the Security Council forthwith.

(*Signed*) Rolf EKEUS
Executive Chairman
Office of the Special Commission

APPENDIX III

Note verbale dated 9 January 1993 from the Special Commission addressed to the Ministry of Foreign Affairs of Iraq

The Special Commission presents its compliments to the Ministry of Foreign Affairs and has the honour to refer to the Ministry's note of 7 January 1993 which stated that Iraq would no longer permit the Special Commission to use Habbaniyah airfield for its own aircraft.

The Special Commission herewith attaches a copy of the presidential statement adopted yesterday by the Security Council in formal session. This statement notes that the actions of the Government of Iraq represent an unacceptable and material breach of its obligations. It demands that the Government of Iraq abide by all its obligations arising from Security Council resolutions and agreements between the Government of Iraq and the United Nations. It also states that failure to abide by these obligations will have serious consequences.

In these circumstances, the Special Commission presents again flight plans for the UNSCOM C-160 aircraft flights for the coming days. The Special Commission expects to receive acknowledgement in writing of these flight plans in good time for the flights to proceed without delay. Any delay in the receipt of a positive response from the Government of Iraq will be reported to the Security Council forthwith.

APPENDIX IV

Note verbale dated 13 January 1993 from the Special Commission addressed to the Ministry of Foreign Affairs of Iraq

The Special Commission presents its compliments to the Ministry of Foreign Affairs and has the honour to present flight plans for the UNSCOM C-160 aircraft for the coming days. The Special Commission expects to receive acknowledgement in writing of these flight plans in good time for the flights to proceed without delay.

APPENDIX V

Note verbale dated 15 January 1993 from the Special Commission addressed to the Ministry of Foreign Affairs of Iraq

The Special Commission presents its compliments to the Ministry of Foreign Affairs and has the honour to refer to the letter of 15 January 1993 from the Chairman of the Special Commission to the President of the Security Council, a copy of which is attached (see appendix VI). It has the further honour to present notifications of flight plans for the UNSCOM C-160 aircraft for the coming days. The Special Commission expects to receive, on a most urgent basis so that these flights may proceed without delay, acknowledgement of these notifications and of Iraq's obligations for ensuring the security and safety of Special Commission personnel as provided pursuant to Security Council resolutions 687 (1991), 707 (1991) and 715 (1991) and the exchange of letters of May 1991 between the United Nations Secretary-General and the Minister for Foreign Affairs of Iraq.

APPENDIX VI

Letter dated 15 January 1993 from the Special Commission addressed to the President of the Security Council

I have the honour to inform you that the Special Commission has received a response from the Ministry of Foreign Affairs of Iraq concerning the Special Commission's notification of plans for flights into Habbaniyah airfield over the coming days. In its relevant paragraphs, the response states that "Iraq does not oppose the granting of your request as contained in the aforesaid note. However, Iraq affirms that it is not responsible for the safety of aircraft inside Iraqi airspace in the event, God forbid, of confusion or error, since all weapons in Iraq, even at the popular level, are trained on defending Iraq's skies and its sovereignty given that it has been subjected to a series of well-known hostile operations and that hostile aircraft are continuing to violate Iraq's sovereignty and to penetrate its airspace."

This response constitutes a refusal on the part of Iraq of the Commission's notification because it abdicates Iraq's obligations for ensuring the security and safety of Special Commission personnel as provided pursuant to Security Council resolutions 687 (1991), 707 (1991) and 715 (1991) and the exchange of letters of May 1991 between the Secretary-General and the Minister for Foreign Affairs of Iraq.

The Commission is providing immediately to Iraq new notifications for flights in the coming days, with the expectation that these notifications will be acknowledged in accordance with Iraq's above-mentioned obligations.

(*Signed*) Rolf EKEUS
Executive Chairman
Office of the Special Commission

APPENDIX VII

Note verbale dated 16 January 1993 from the Special Commission addressed to the Ministry of Foreign Affairs of Iraq

The Special Commission has the honour to present its compliments to the Ministry of Foreign Affairs of Iraq and to refer to the letter of 16 January 1993 from the Permanent Representative of Iraq to the United Nations to the Executive Chairman of the Special Commission and the note from the Ministry for Foreign Affairs of Iraq of the same date concerning the notifications for flights of the Commission's aircraft over the coming days.

Under the provisions of Security Council resolutions 687 (1991), 707 (1991) and 715 (1991) and the exchange of letters of May 1991 between the Secretary-General and the Minister for Foreign Affairs of Iraq, Iraq is responsible for the security and safety of the Special Commission and its personnel. Furthermore, the Commission has the right to unrestricted freedom of entry and exit without hindrance of its personnel and means of transport. It also has the right to conduct both fixed-wing and helicopter flights throughout Iraq for all relevant purposes without interference of any kind and upon such terms and conditions as may be determined by the Commission, and to make such use of its own aircraft and such airfields in Iraq as it may determine are most appropriate for the work of the Commission.

The restrictions imposed by Iraq on the Special Commission would have as a consequence that the Commission cannot effectively carry out its operations in Iraq. Furthermore, this issue was already addressed in September 1992 when the "no-fly zone" south of the 32nd parallel was established. On that occasion, the Commission informed the Ministry of Foreign Affairs that it would be impractical to operate using the longer route. That remains the case. The Commission has been using the direct route since September 1992 without incident.

The Special Commission informs the Ministry of Foreign Affairs of Iraq that the Commission requires use of the direct route between Bahrain and Habbaniyah airfield and that the Government of Iraq, in accordance with its obligations, ensure the safety and security of the Commission's aircraft and personnel. The Special Commission will coordinate with the States mentioned in the Ministry's note to ensure that they are aware of the flight plans of the Commission's aircraft and hence that they will not represent a threat to the security and safety of the Commission's aircraft and personnel.

APPENDIX VIII

Note verbale dated 17 January 1993 from the Special Commission addressed to the Ministry of Foreign Affairs of Iraq

The Special Commission presents its compliments to the Ministry of Foreign Affairs of Iraq and has the honour to refer to the Ministry's note of 17 January 1993, concerning the notifications of flight plans for the Commission's aircraft.

Since the Special Commission is not in a position to make guarantees for the actions of States, this cannot be the basis for the conduct of flights. However, the Commission can, and does as a matter of course, coordinate with the authorities of the three States mentioned in the Ministry's note so that the conditions for safe flights are ensured. The Commission will, as usual under the established procedures, coordinate closely with the competent Iraqi authorities on this matter.

Consequently, the Special Commission informs the Ministry of its intention to conduct flights for which notification has already been sent to the Ministry. The Commission expects to receive acknowledgement of the relevant notifications.

DOCUMENT S/25174

Letter dated 25 January 1993 from the representative of Iraq to the Secretary-General

[*Original: Arabic*]
[*27 January 1993*]

On instructions from my Government and further to our letters protesting against violations of Iraqi airspace by United States aircraft and the dropping of heat flares and fire balls on areas in the Ninawa Governorate, the most recent of which was that circulated as document S/25088, I have the honour to inform you that two such aircraft dropped three heat flares from high altitude on an area 20 kilometres east of Mosul at 0942 hours on 21 January 1993.

That United States aircraft are continuing to drop heat flares provides further evidence of the persistence of the United States Government in inflicting damage on Iraq and its people and in infringing on its sovereignty and security. The Government of Iraq, once again affirming that the United States Government bears full responsibility for engaging in internationally prohibited acts, urges the Security Council to condemn such acts and to call upon that Government to desist therefrom and to provide compensation for the material damage thereby sustained by Iraq and its people.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Adnan MALIK
Chargé d'affaires a.i.
of the Permanent Mission of
Iraq to the United Nations

DOCUMENT S/25177

Letter dated 27 January 1993 from the representative of South Africa to the Secretary-General

[*Original: English*]
[*27 January 1993*]

I have the honour to attach the text of a letter from the Minister for Foreign Affairs, Mr. R. F. Botha, concerning the situation in Angola. I should be grateful if the letter could be circulated as a document of the Security Council.

(*Signed*) V. R. W. STEWARD
Permanent Representative
of South Africa to the United Nations

LETTER DATED 27 JANUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF SOUTH AFRICA ADDRESSED TO THE SECRETARY-GENERAL

The deteriorating situation in Angola and the collapse of the peace process can have far-reaching implications, not only for Angola but for the entire sub-continent. The South African Government has consistently, in support of international efforts, attempted to defuse the tension between the two parties and to facilitate a meeting between the two leaders. The South African Government has consistently urged both parties to implement the Bicesse Accords, and to accept the election results of 29 and 30 September 1992 in order to enhance mutual understanding and national reconciliation.

The present conflict is a tragedy for the people of Angola, who illustrated by their substantial participation in the elections, that they desire peace, democracy and economic well-being.

During my visits to Angola in October 1992, I warned both parties that unless they entered into dialogue as a matter of urgency, it was inevitable that the situation would deteriorate. I pointed out that this would result in an increasing failure on both sides to honour their obligations under the peace accords. The recent deterioration in the political and military situation in Angola has borne out my worst fears and concerns. As fellow Africans we can however not despair of the Angolan peace process. We are morally obliged to assist each other in our quest for peace.

During a meeting of the Interaction Council in Cape Town on 22 January 1993, Mr. Lopo do Nascimento, Deputy Speaker of the Angolan Parliament, made allegations of continued South African military support for UNITA [*National Union for the Total Independence of Angola*]. Later the same day President F. W. de Klerk met with members of the Interaction Council led by the former British Prime Minister, Lord Callaghan. President de Klerk pointed out that it was South Africa's declared policy on Angola that the conflict in that country should be ended, and that the efforts by the United Nations to achieve peace should be supported. He added that the democratic process which had begun in Angola should be continued and completed as soon as possible. South Africa would continue to encourage both parties to resume dialogue and enter into negotiations to achieve this objective.

President de Klerk said that he wished to give the categoric assurance that the South African Government was not supporting UNITA militarily or in any other way. As regards Mr. do Nascimento's allegations that South Africa was supplying ammunition to UNITA for G-5 artillery pieces, President de Klerk stated that he had again asked for a report from the Chief of the South African Defence Force (SADF) who reported as follows:

"UNITA does not have any artillery pieces of South African origin and definitely does not have any G-5 guns or ammunition. It is known that UNITA has M-46 (130 mm) and D-30 (122 mm) guns which the movement captured from the Angolan defence force in previous years, while it also has 107 mm multiple rocket launchers. None of the above equipment is utilized in the SADF. Both the M-46 and D-30 guns are large and could have been confused with South African guns. The SADF is not providing support to UNITA and military aircraft are not used to supply UNITA."

As regards allegations of unauthorized flights over neighbouring States, President de Klerk said that these allegations had been thoroughly investigated by the SADF as well as the South African civil aviation authorities. The South African Government was satisfied that no unauthorized flights by military aircraft had taken place.

President de Klerk added that aircraft had flown to Mucusso in south-eastern Angola to resupply the local hospital, of which the Angolan Government was aware. However, at the insistence of the Angolan Government, the hospital had been closed and South African doctors and nurses had been withdrawn on 23 December 1992.

President de Klerk furthermore acknowledged that it was possible that private aircraft could operate from small and remote airfields in South Africa. He noted that any deviation in foreign airspace from previously submitted flight plans could not be monitored from South Africa.

In response to a question from Lord Callaghan, President de Klerk indicated that the South African Government would take stern action in respect of any such unauthorized activity. He also noted that while he did not have any indication that UNITA was being supported from South Africa, he would not hesitate to act upon any concrete evidence which was presented to him.

The Angolan Minister of Defence alleged on 22 January 1993 that a South African Hercules C-130 aircraft had been shot down in Angola. Originally it was stated by the Angolan authorities that the plane had been shot down "flying out of Jamba". It was later alleged by the Angolan authorities that the plane came down in the central province of Huambo at a site which is far removed from Jamba. The South African Government publicly denied on 23 January 1993 that any South African Air Force aircraft had been shot down in Angola and urgently requested the Angolan Government to provide evidence to this effect. The Government requested that the registration number of the aircraft and other details be provided.

During a meeting with Mr. do Nascimento in Johannesburg on 24 January 1993, I again insisted that the Angolan Government provide evidence and further information concerning their allegations. Mr. do Nascimento undertook to convey this request to the Angolan Government. I am still awaiting a response.

The South African Government will not support any party which opts for a military solution in Angola, nor will it support any party which attempts to obtain advantages which are inconsistent with the democratic process. The South African Government believes that the only way ahead in Angola now is that proposed by the United Nations Security Council. Namely that the two parties should engage in dialogue, under the auspices of the United Nations, without delay and that the Bicesse Accords be urgently reactivated with a view to their full implementation. Decisive and urgent action is now required on the part of the Security Council in order to avert a disaster in Angola. Your efforts as well as the applicable Security Council resolutions should receive tangible support from the international community and in particular from Africa. There is no alternative for the Angolans other than to engage in discussions aimed at national reconciliation and at the participation of all parties in the democratic process within the framework of the Bicesse Accords. It is of the utmost importance that the United Nations presence should be maintained in Angola.

I was encouraged to learn from the Angolan Government as well as from Mr. Jonas Savimbi on 25 January 1993, that they had agreed in principle to hold talks under the auspices of the United Nations.

We must, however, have no illusions about the difficulties that lie ahead, particularly in creating an atmosphere of mutual confidence, tolerance and respect, after many years of bitter civil war.

I wish to assure you, Mr. Secretary-General, of my Government's full support for your endeavours to bring peace to Angola. The South African Government remains willing to play a positive and supportive role in this endeavour.

(*Signed*) R. F. BOTHA

DOCUMENT S/25181

Letter dated 27 January 1993 from the representative of Armenia to the President of the Security Council

[*Original: English*]
[*28 January 1993*]

I have the honour to transmit herewith a letter from Mr. Levon Ter-Petrossian, President of the Republic of Armenia, dated 27 January 1993, requesting an urgent meeting of the Security Council.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Alexander ARZOUMANIAN
Permanent Representative
of Armenia to the United Nations

LETTER DATED 27 JANUARY 1993 FROM THE PRESIDENT OF THE REPUBLIC OF ARMENIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I hereby respectfully request an urgent meeting of the Security Council to address the state of emergency in the Republic of Armenia and ways to bring an end to the crisis.

On 7 December 1992, I declared the whole territory of the Republic of Armenia a disaster area, as the effects of an unusually harsh winter combined with the blockade of Armenia had brought the country's economy and infrastructure to near collapse. Thousands of people faced death from starvation and exposure to the elements.

Until the imposition of this blockade, 85 per cent of all goods and materials entering Armenia, including 80 per cent of its natural gas, was transported through Azerbaijan. Beginning in 1989, Azerbaijan imposed an expanding and increasingly effective blockade of all materials entering Armenia. Armenia's northern neighbour, Georgia, has suffered from internal strife, affecting drastically its ability to provide an alternative.

The devastating effects of the blockade have been witnessed by journalists, international relief workers, representatives of foreign Governments as well as United Nations missions visiting Armenia. In particular, two special envoys and a fact-finding team from the United Nations have documented the severity of the crisis.

But now the critical situation has turned into a catastrophe. In the early morning hours of 23 January, a section of the pipeline carrying natural gas - the last line carrying energy into Armenia - was blown up in a rural district of Georgia.

According to preliminary estimates, under the best of circumstances repairs will require 15 days. The total lack of energy resulting from this development has serious consequences not only for Armenia but also for the region.

In Armenia, the Government has been compelled to curtail severely or to shut down completely transportation; industrial and agricultural production, including bread bakeries; utilities; and social services, such as hospitals, especially needed by the poor, the children, the inhabitants of the disaster zone, and the refugees.

The crisis will affect thermal power stations so severely that it may take up to eight weeks before they could be reset. In addition, the lack of energy makes the proper maintenance of the nuclear power station of Armenia at Medzamor - shut down since 1989 - extremely difficult and presents a hazard to the people of Armenia and of neighbouring countries.

The Republic of Armenia respectfully requests an urgent meeting of the Security Council to focus on the crisis in Armenia brought in large part by the blockade of Azerbaijan. If this blockade is not lifted, we are certain that the results will be catastrophic not only for Armenia but also for the entire region. We therefore appeal to the Security Council to urge the Republic of Azerbaijan to lift immediately the blockade on Armenia, to open humanitarian corridors, at the minimum to allow the transport of fuel. In the event that Azerbaijan is unwilling to comply with this request, we would urge that the Security Council consider imposing sanctions on Azerbaijan.

It is clear that the imposition of blockades by the Republic of Azerbaijan is a flagrant breach of international law, which stipulates safe passage of transit goods to and from land-locked countries.

(*Signed*) Levon TER-PETROSSIAN

DOCUMENT S/25182

Letter dated 28 January 1993 from the representative of Bulgaria to the President of the Security Council

[*Original: English*]
[*28 January 1993*]

I have the honour to transmit herewith the text of a press release of 27 January 1993 by the Ministry of Foreign Affairs of Bulgaria regarding the recent incident involving the unauthorized passage of the Serbian convoy towed by the tugship *Bihac* through the Bulgarian-Romanian sector of the Danube.

I should be grateful if you would have the text of this letter and the press release circulated as a document of the Security Council.

(*Signed*) Jordan LOZANOV
Chargé d'affaires a.i.
of the Permanent Mission
of Bulgaria to the United Nations

TEXT OF THE PRESS RELEASE

The Ministry of Foreign Affairs and the other competent Bulgarian authorities responded with great consideration and adequate action to the extraordinary challenge of the United Nations sanctions against Serbia and Montenegro presented by the passage of the Serbian convoy of barges towed by the tugship *Bihac* through the common Bulgarian-Romanian sector of the Danube.

From the very entering of *Bihac*, on 21 January, into the Bulgarian-Romanian sector the Bulgarian border authorities and the State Navigation Inspectorate made numerous, but unsuccessful, attempts to establish radio link with the ship in order to inspect and verify its documents, cargo and destination.

On 23 January, the Bulgarian Ministry of Foreign Affairs requested the urgent convening of a meeting of the United Nations Sanctions Committee in New York to consider the incident. The meeting was held on the following day. Up to the present moment a written reply by the Sanctions Committee has not been received by the Bulgarian Mission in New York or the Ministry of Foreign Affairs. On the same day, 23 January, the Bulgarian authorities also informed the European Community observer mission monitoring the Bulgarian border with former Yugoslavia as well as the European Community/Conference on Security and Cooperation in Europe Sanctions Assistance Mission about the incident.

Proceeding from the shared responsibility of the Bulgarian and Romanian authorities since *Bihac* was navigating in the common sector of the Danube, on the Bulgarian border guards' initiative, a meeting with their Romanian counterparts was held on 25 January in the town of Vidin. The aim of the meeting was to discuss possible action to halt the convoy for inspection. At the meeting the Romanian side stated that they did not have the means and capability for a joint operation involving use of force.

The Bulgarian authorities also contacted the Serbian side through diplomatic channels underscoring the grave alarm of the Bulgarian side caused by the provocative conduct of the Serbian ship's captain and expressing the hope that he would be influenced to obey the orders of the Bulgarian authorities.

The incident with *Bihac* once again categorically proved the necessity for the international community to attribute priority attention to the responsibility of the direct violators of the sanctions.

If such incidents are to be prevented in the future the establishing of close cooperation between the relevant Bulgarian and Romanian authorities is of decisive significance. The Ministry of Foreign Affairs once again appeals for the deployment of international sanctions monitoring missions at all ports along the lower course of the Danube and stresses the urgent need for rendering substantial technical support to assist the border and customs control organs of Bulgaria and Romania in the implementation of the sanctions.

DOCUMENT S/25183

Letter dated 28 January 1993 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*28 January 1993*]

The Republic of Croatia accepts the message of the presidential statement [*S/25178*] issued at the meeting of the Security Council on 27 January 1993 [*3165th meeting*]. All the advances of the Croatian Army have ceased. However, the Serbian side - paramilitary units and "militia" - continues its offensive, which Croatia regards as continuation of the aggression on its territory. In spite of that, Croatia will continue to take all necessary steps in implementing its obligations under resolution 802 (1993). In the light of these recent events, the Croatian Army is now forced to act defensively, and the Republic of Croatia cannot be responsible for prolonged hostilities.

The illegal and extremist leadership in Knin, aided by the Serbian authorities in Belgrade, wish to keep the front line active, thus exerting additional pressure on the Republic of Croatia in the Security Council, in an attempt to undermine the peace talks in Geneva. There have been various independent reports that thousands of well-armed men - so-called "volunteers" - are coming from Serbia to "help their Serbian brothers in the Republic of Krajina", in flagrant violation of Security Council resolution 769 (1992). We have reason to believe that this has been orchestrated and organized by the regime in Belgrade.

The Serbian offensive now poses a serious threat to the security of United Nations personnel in the region. Consequently, Serbian paramilitary units have regained the control of the Peruca Dam, and are now threatening to destroy it; they are keeping members of the Kenyan battalion of UNPROFOR [*United Nations Protection Force*] as hostages on the site of the dam; as reported by the Secretary-General, they are holding 21 United Nations personnel hostage in Benkovac. Croatia is providing UNPROFOR with all the necessary help to ensure its safety.

These events are contrary to Croatian goals - establishing peace in the region, normalization of the living conditions of the civilian population, and rebuilding and reconstruction of infrastructure. The crucial and strategic aims of the limited Croatian action are the facilitation of road communication through Adriatic highways, and the voluntary return of refugees in the "pink zone" adjacent to the UNPA [*United Nations Protected Area*] Sector South.

We kindly ask the Security Council to further encourage the United Nations forces on the ground to help mediate a local cease-fire, so that comprehensive negotiations on the political settlement can be continued, in accordance with the Vance plan. Croatia urges the Security Council to use its authority in order to enable the implementation of resolutions 762 (1992), 769 (1992), 779 (1992), 802 (1993) and all other relevant resolutions. We reiterate our firm belief that a lasting peace and stability in the region cannot be achieved without enforcing the three pillars of the Vance plan: disarming and dismantling all the paramilitary units in the UNPAs, restitution of the heavy weapons to the custody of UNPROFOR, and the immediate voluntary return of all the refugees and displaced persons.

I kindly ask for your assistance in circulating this letter as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

DOCUMENT S/25186

Letter dated 27 January 1993 from the representative of Azerbaijan to the President of the Security Council

[*Original: Russian*]
[*28 January 1993*]

On 22 January 1993 a statement by Mr. Petrossian, "the Acting Chairman of the Supreme Council of the Nagorny Karabakh Republic", was circulated at the United Nations as a document of the Security Council [*S/25142*].

I have the honour to draw your attention to the fact that this is not the first instance in which a letter from a citizen of the Azerbaijani Republic calling himself leader of a non-existent administrative-territorial entity in Azerbaijan has been circulated as a document of the Security Council. In both cases this was done at the request of the Permanent Mission of the Republic of Armenia.

This fact can only be seen as blatant interference in the internal affairs of Azerbaijan. It once again reveals Armenia's true intent, which is to legitimize the annexation of that part of Azerbaijan occupied by Armenian armed units - the region of Karabakh and certain territory adjacent to it.

I should like to direct your attention to the fact that the circulation of such letters as documents of the Security Council only serves to exacerbate an already complicated situation and does nothing to expedite a political settlement of the conflict, a goal professed by Armenia, *inter alia*, in letters addressed by it to the Security Council. It is evident that failure to end these attempts to interfere in the internal affairs of a neighbouring State would suggest that there is no real desire or willingness to find a political solution to the conflict.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Hassan HASSANOV
Permanent Representative
of Azerbaijan to the United Nations

DOCUMENT S/25188

Report of the Secretary-General on the situation in Abkhazia, Republic of Georgia

[*Original: English*]
[*28 January 1993*]

INTRODUCTION

1. In the statement of the President of the Security Council regarding the situation in Georgia, dated 10 September 1992 [*see S/24542*], I was requested to inform the Council periodically on the developments in Abkhazia . The present report has been prepared in accordance with that request by the Security Council.

2. The present report provides an update on developments related to Abkhazia since my letter of 10 November 1992 [*S/24794*], which included a summary of the report of the most recent United Nations mission to Georgia. In that letter I noted that the situation related to the Abkhaz problem had dramatically worsened since the first United Nations mission in September 1992. I stated that following the renewed fighting initiated by the Abkhaz side on 1 October, the 3 September 1992 agreement had collapsed, and I suggested possible ways for the United Nations to help promote the implementation of the 3 September agreement, including the deployment of observers to monitor its implementation.

3. I also informed the Council that in line with my earlier proposal [*S/24633*] which was endorsed by the Security Council [*S/24637*], two United Nations personnel remained in Georgia at the conclusion of the mission in mid-October 1992 to provide an initial United Nations presence. In addition, in November 1992, an integrated United Nations Interim Office was opened in Tbilisi, Georgia. The present report takes into account information received from the United Nations officials based in Georgia.

THE SITUATION ON THE GROUND

4. The level of hostilities between the Georgian and Abkhaz forces has remained intense. Except for a brief, nine-day relatively successful cease-fire, from 20 to 29 November 1992, which had been concluded to

secure the withdrawal of some Russian military units from the Sukhumi area, fighting continued unabatedly.

5. The main military confrontation lines between the Georgian and Abkhaz forces have virtually remained unchanged since the capture of the town of Gagra by the Abkhaz forces in early October. The Georgian troops have been unable to regain lost territory, while the Abkhaz forces have been unsuccessful in capturing Sukhumi, the capital of Abkhazia, which has been subjected to regular shelling attacks by Abkhaz units. At the end of December 1992, the Government of Georgia declared a state of emergency in Sukhumi.

6. Since mid-October 1992, the fighting between the Abkhaz and Georgian forces has taken place in two main areas in which military front lines have been established. One such front line covers the area of the Gumista River, immediately north of Sukhumi. That front line has a length of approximately 12 kilometres, stretching from the Black Sea coast to the village of Ashalsheni. The nine-day cease-fire agreement referred to above covered only 6 kilometres east of the Black Sea on this confrontation line along the Gumista River. Since the end of November 1992 intensive shelling has taken place in the Gumista River area, involving the use of artillery, multiple rocket launchers, mortars and tanks. Both sides also have been constantly reinforcing their entrenchments along this front line. Moreover, shelling outside this region into surrounding villages and, in particular, the city of Sukhumi, has become more frequent. Both sides have reported heavy casualties and great material losses. The shelling of civilian populated areas is an almost daily occurrence, increasing the number of casualties and the flow of refugees.

7. In the beginning of January, Abkhaz forces temporarily succeeded, for the first time, in launching an attack through the Georgian front line at the Gumista River. Abkhaz units were reportedly able to capture parts of a village but, within a few hours, they were forced back across the river by the Georgian side. In mid-January, Abkhaz forces launched an attack from the Black Sea, using small boats with heavy machine-guns and rocket launchers. This attempt to land small units on Georgian-controlled territory also failed.

8. The other major fighting area is the region between the towns of Ochamchira and Tkvarcheli. In this mountainous area there are no clear-cut front lines. The terrain is conducive to guerilla-like military activities. The Georgian side has established control over the area south and east of the town of Ochamchira, which is located about 55 kilometres south-east of Sukhumi on the Black Sea. The Georgians are also in control of the coastline between Ochamchira towards the Kodori River, approximately 20 kilometres south-east of Sukhumi. Abkhaz forces, on the other hand, control the Ochamchira district to the east of that coastline, from Ochamchira to the town of Tkvarcheli.

9. The village of Tamysh, located about 10 kilometres north-west of Ochamchira, has become the focus of the ongoing fighting to gain control of the coast road and especially the railway connecting Abkhazia with Tbilisi, the Georgian capital. In the beginning of December 1992, fighting intensified in this area and both sides claimed to have launched an offensive, but no major territorial gains were made by either side. However, from time to time, the Abkhaz forces succeeded in cutting off the Georgian-controlled roads along the coast.

10. In the first half of January 1993, the fighting in this area again intensified. The Georgian forces seem to have succeeded in widening their control over the coastal area between Ochamchira and the Kodori River by several kilometres.

11. There are also reports of increased use of anti-aircraft missiles in the areas of hostilities. Both sides have reportedly obtained SAM surface-to-air missiles, leading to the downing of two Georgian helicopters. Furthermore, one Russian military helicopter was shot down, as well as a Russian SU-25 plane.

12. A particularly grave incident occurred on 14 December 1992 when a Russian helicopter crashed while flying over Abkhaz territory killing some 60 persons, mostly women and children. The cause of this incident remains a matter of controversy.

13. The Georgian authorities have more than once expressed their concern that some of the Russian military units stationed in Abkhazia are supporting the Abkhaz forces. In this connection, Mr. Shevardnadze has made several public statements demanding that the Russian troops in Abkhazia be placed under the direct command of the Transcaucasian Military District of the Russian military which has its headquarters in Tbilisi.

14. The Georgian and Abkhaz sides continue to accuse each other of serious human rights violations in Abkhazia. Both sides have called for an international commission to investigate these charges.

HUMANITARIAN SITUATION

15. The unabated fighting in Abkhazia has led to the displacement of tens of thousands of civilians from the region and has created a serious humanitarian situation in the areas of conflict which has been aggravated by the winter season. Reports have been received that in some parts of Abkhazia there exists a humanitarian emergency situation, especially in the area of the town of Tkvarcheli whose population has been inflated by a large number of refugees; the town is under Abkhaz control but access is blockaded by Georgian forces.

16. Two of the United Nations officials in Georgia, accompanied by a representative of the International Committee of the Red Cross (ICRC), visited the Tkvarcheli area. They were told that there was an urgent need for the delivery of basic foodstuff, medical supplies and winter clothes. The Russian Federation has offered to provide emergency food supplies which would be transported by Russian helicopters with ICRC markings from the Russian city of Sochi to Tkvarchelli. The United Nations has been asked to consider the possibility of making available a small number of observers to oversee the loading, transportation and unloading of foodstuff. The United Nations Interim Office in Tbilisi is urgently following up this matter with all concerned and is expected to submit shortly specific suggestions to United Nations Headquarters.

17. Furthermore, following a request from the Government of Georgia, a United Nations humanitarian assessment mission will visit Georgia, including Abkhazia, at the end of January 1993. That mission, which is coordinated by the Department of Humanitarian Affairs, will include representatives of the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Food Programme.

RECENT DEVELOPMENTS

18. Since my last report to the Council I received two letters from the Chairman of the Parliament and Head of State of Georgia, Mr. Eduard Shevardnadze. In his letter dated 11 November 1992 [*S/24802*], Mr. Shevardnadze stated, *inter alia*, that the confrontation in Abkhazia had intensified and that the number of casualties was growing. Mr. Shevardnadze also noted that time was running out for a peaceful settlement of the conflict. He therefore urged prompt Security Council action in support of a peaceful solution to the Abkhaz crisis.

19. In his letter of 25 December 1992 [*S/25026*], Mr. Shevardnadze expressed his deep concern that an escalation of the conflict in Abkhazia could destabilize the entire Caucasus region. He stated, *inter alia*, that the infiltration of irregular forces and military supplies from the North Caucasian region of the Russian Federation in support of the Abkhaz forces was continuing. Mr. Shevardnadze again requested that the

Abkhaz conflict should be placed on the agenda of the Security Council and, in view of the possible escalation of the conflict, that it should be discussed in a formal meeting of the Council. He stated that the Council might wish to adopt a resolution which, *inter alia*, could provide for the sending of a United Nations peace-keeping force to Abkhazia. He further deemed it appropriate that the Council appeal to all Member States of the United Nations not to allow any encroachment of the territorial integrity of the Republic of Georgia.

20. As a follow-up to his letter of 25 December 1992, Mr. Shevardnadze sent a Special Envoy, Mr. Sandro Kavsadze, to the United Nations to consult with the President and the members of the Security Council as well as Secretariat officials on possible further steps that could be taken by the United Nations in support of the resumption of the peace process and to be present during the deliberations of the Council. In line with Mr. Shevardnadze's letter, the Special Envoy has stressed his Government's desire for a more active United Nations engagement to revitalize the peace process.

21. In his discussions with United Nations officials, the Special Envoy made the following points:

(*a*) The Government of Georgia would be willing to resume the peace process on the basis of the 3 September agreement and would accept an immediate cease-fire, provided the status quo prior to the Abkhaz attack of 1 October 1992 would be restored;

(*b*) The Government of Georgia would wish the deployment of United Nations observers/peace-keeping forces to monitor the Georgian-Russian border in Abkhazia and to protect the railway and the communication links in Abkhazia. In this context, the Georgian officials pointed out that the reopening of this transportation route would also be very much in the interest of Armenia;

(*c*) The Government of Georgia would welcome the good offices of the Secretary-General to study the Abkhaz problem and to make recommendations for its peaceful resolution. The Government of Georgia would be willing to commit itself to these recommendations on the understanding they respect the territorial integrity and sovereignty of Georgia as well as the human rights of all citizens of Georgia.

OBSERVATIONS

22. The situation in Abkhazia has further deteriorated since my letter on 10 November 1992 to the Council. The continued fighting poses a serious threat to the maintenance of international peace and security in the entire Caucasus region and beyond. The outbreak of inter-ethnic fighting in the beginning of November 1992 between North Ossetian and Ingush forces in the North Caucasus region of the Russian Federation, prompting the establishment of a temporary state of emergency by President Yeltsin, is an additional indication of the potentially explosive situation in the Caucasus. As I stated in my last report to the Council, unless the situation is redressed, the possibility of the eruption of a major conflict is high.

23. The 3 September agreement still offers the best basis for the resumption of the peace process. However, the restoration of a viable peace process in Abkhazia, based on the provisions of the 3 September agreement, may require more active support by the international community to assist the parties to agree to a cease-fire and to work out a political settlement.

24. To this end, I am considering the possibility of dispatching a new mission to Georgia to review the situation in Abkhazia in order to assess the overall political situation. The mission could also discuss and provide advice on practical matters such as the establishment and monitoring of an immediate cease-fire, with particular emphasis on the border in Abkhazia between Georgia and the Russian Federation and on the protection of the railway and communication links in Abkhazia. I may also dispatch a human rights fact-finding mission to Abkhazia to look into allegations of human rights violations by both sides. Should the Security Council favour this line of action, I would carry it out as soon as practicable.

DOCUMENT S/25189

Letter dated 27 January 1993 from the representative of Romania to the President of the Security Council

[*Original: English*]
[*28 January 1993*]

Upon instructions from my Government, I have the honour to submit to the attention of the Security Council and its member States the declaration issued by the Government of Romania on 27 January 1993, herewith attached, concerning the situation created on the Danube as a result of the flagrant violation of the provisions of Security Council resolutions 757 (1992) and 787 (1992) by Yugoslav vessels transporting petroleum products.

May I inform you that the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia has been seized from the very beginning with, and continues to have under consideration this particularly serious matter. A detailed letter on this subject, dated 27 January 1993, has been sent to the Chairman of the Security Council Committee.

May I underline that, owing to the seriousness and the implications of such a particularly grave situation, cooperation between riparian States as well as international cooperation, including appropriate consideration and action by the Security Council, is necessary in order to determine the Yugoslav authorities to take immediate measures to stop the violation of the embargo by the Yugoslav vessels.

(*Signed*) Valeriu FLOREAN
Chargé d'affaires a.i.
of the Permanent Mission
of Romania to the United Nations

TEXT OF THE DECLARATION

In connection with the recent flagrant violations, by vessels sailing on the Danube under Yugoslav flags, of the embargo imposed by the United Nations Security Council, the Romanian Government states the following:

1. By its resolutions 757 (1992) and 787 (1992), the Security Council imposed an embargo on the Federal Republic of Yugoslavia (Serbia and Montenegro), which spells clearly the prohibition of import and export of commodities and products, as well as of any transport activities of this country.

The transshipment through the Federal Republic of Yugoslavia (Serbia and Montenegro) of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types is also prohibited.

In order to ensure the strict compliance with these provisions, the Government of Romania adopted decision 771 (1992) and also issued specific instructions for the competent Romanian authorities.

2. Since the measures concerning the embargo entered into force, attempts of violation by the crews of the Yugoslav vessels have been recorded, for example, the use of counterfeited travelling documents

regarding the shipments and the merchandise destination; the refusal to permit control by the Romanian authorities; the use of other countries' national flags; the refusal to stop the vessels and provide the related documents and cargo for control.

All the above-mentioned attempts of embargo violations have been promptly and firmly solved by the Romanian authorities, as it was noticed and appreciated by the Sanction Assistance Mission.

3. Unfortunately, in the last days, grave violations of the embargo have been recorded. For example, on 18 January 1993, the tugboat *Bihac* sailing under the Yugoslav flag and towing six barges loaded with petroleum products had declared that it sailed back to the port of Reni, where it was loaded, but it changed its route joining the tugboat *Kumanovo*. The tugboat *Kumanovo* left the convoy in the area of the port of Braila. The convoy towed by the tugboat *Bihac* continued its route and entered into the Yugoslav sector of the Danube.

On 23 January, three convoys sailing under the Yugoslav flag and loaded with petroleum products, towed by the Yugoslav tugboats *Orasac*, *Velebit* and *Kaimakalan*, left the port of Reni in Ukraine. Despite the summons of the Romanian authorities, the vessels' crews refused to stop the convoys for inspection and control and continued their routes heading for the Yugoslav sector of the Danube. Similarly, on 25 January, the tugboat *Kumanovo* towing 12 barges also loaded with petroleum products left the area of the port of Braila without legal transport documents, heading for Yugoslavia.

In the context of the full observance and implementation of the Security Council resolutions, the Romanian authorities took the necessary measures, such as repeated summons and nearby patrolling by border boats.

In spite of the numerous appeals of the Romanian port authorities by radio and voice amplifiers, the captains of the Yugoslav vessels refused to stop and continued their route.

The competent Romanian authorities repeatedly attempted to board these illegally sailing vessels in order to stop their march, paying special attention to prevent human losses and to avoid excessive and irremediable damages. The captains of these vessels refused to comply and, moreover, the captain of *Bihac* tugboat threatened that he would blow up or download the petroleum products into the Danube, which would have had serious environmental consequences.

4. The above-mentioned actions, namely, sailing without legal documents, previously abandoned, using national flags of other countries, refusing to comply with the repeated summonses, disconnecting radio contacts and refusing to provide both the legal documents and the access to control of the shipment, led to a serious violation of Romanian legislation and of the Belgrade Convention on the navigation on the Danube.[9]

5. In order to put an end to these grave violations of the embargo the Romanian authorities have constantly informed the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, as well as the Yugoslav authorities. The Romanian authorities have also contacted the competent authorities of Ukraine and Bulgaria.

The above-mentioned facts have been brought to the attention of the Public Ministry (General Attorney) of Romania in order to start legal procedure versus the Yugoslav citizens who had violated the rules and regulations with regard to the navigation on the Danube.

Under these circumstances, the Romanian Government decided that the competent authorities should continue to take all necessary actions for the full compliance with the United Nations Security Council resolutions concerning the embargo imposed on Yugoslavia, including constraining measures, in accordance with the relevant provisions of these resolutions.

In this context, the Romanian Government will continue to maintain close contact with other Governments of the Danube riparian countries in order to prevent the loading and transporting of merchandise under embargo, or the shipment of cargo by Yugoslav vessels, and to ensure strict compliance with the Security Council provisions.

The Romanian Government will request again the support of the CSCE [*Conference on Security and Cooperation in Europe*] member States and the Security Council in order to receive the necessary assistance, *inter alia*, technical equipment, to be able to ensure the strict compliance with the embargo measures on the Danube.

DOCUMENT S/25191

Letter dated 29 January 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

[*Original: English*]
[*29 January 1993*]

I have the honour to forward to you the statement issued on 27 January 1993 by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea.

I request that this letter, together with the enclosed statement, be circulated as a document of the Security Council.

(*Signed*) PAK Gil Yon
Permanent Representative of the
Democratic People's Republic of Korea
to the United Nations

TEXT OF THE STATEMENT

The United States and the south Korean authorities announced on 26 January 1993 that they would stage "Team Spirit 93" joint military exercises, an adventurous nuclear war game, on the Korean peninsula.

All the Korean people and the world's peace-loving people can hardly repress towering resentment at the fact that the United States and the south Korean authorities are going to stage the "Team Spirit 93" in defiance of strong protests and opposition from the public at home and abroad.

The intention and scheme of the United States and the south Korean authorities to resume the "Team Spirit" assume a grave and dangerous nature quite different from that in the past days.

The cold war structure has collapsed in the international arena and the world is moving towards reconciliation and *détente*, an agreement on reconciliation and non-aggression has been adopted and put into effect between the north and the south of Korea and the nuclear safeguards agreement between our country and the International Atomic Energy Agency (IAEA) is being implemented smoothly.

At this moment, the United States and the south Korean authorities are going to force the once suspended "Team Spirit" joint military exercises on the pretext of "nuclear arms development" by the north. This is a brigandish act to find an excuse for the continued presence of United States forces in south Korea, totally deny an overall inspection of United States nuclear weapons and bases there, camouflage south

Korea's nuclear development, frighten our people with "strength" and stifle the socialist system of our country.

This makes it all the clearer that the strong-arm policy of the United States to establish its domination over the whole of Asia, keeping south Korea tightly in its grip, is entering into a full-dress practical stage on the Korean peninsula.

The resumption of the "Team Spirit" will carry the tensions on the Korean peninsula to extremes, push it to an unpredictable phase and create a new danger to peace in north-east Asia.

The "Team Spirit" is a large-scale nuclear war gamble involving various kinds of nuclear weapons and means, the latest types of military equipment and armed forces deployed in and around south Korea and in the United States mainland, with south Korea as a nuclear forward base.

For the United States and the south Korean authorities to stage the "Team Spirit" is an intolerable mockery of and challenge to the Korean and other peoples of the world.

The whole world knows that the United States and the south Korean authorities last year suspended the "Team Spirit" before the start of the irregular inspection of our country by the IAEA.

It can never be justified on any grounds for the United States to resume the "Team Spirit" manoeuvres under the unreasonable pretext of a "nuclear problem" today when our country is undergoing an inspection by the IAEA and it has been verified that there is no problem at all.

Such a provocative act of the United States and the south Korean authorities proves that the words of the United States authorities that they respect the "will and conscience of the international community" and the utterances of the south Korean authorities that they want "national harmony" are no more than lies and rhetoric for misleading world opinion.

The "Team Spirit" joint manoeuvres that the United States is going to stage with the south Korean authorities against our Republic are a criminal action contradictory to the idea and basic demand of the Treaty on the Non-Proliferation of Nuclear Weapons[10] which stipulates that a nuclear-weapon State must not present a nuclear threat to a non-nuclear State.

The Government of the Democratic People's Republic of Korea bitterly denounces "Team Spirit 93", regarding it as a provocative act intended to start a nuclear war on the Korean peninsula and gravely menacing Asian and world peace and security.

The United States and the south Korean authorities have brought to suspension the implementation of the North-South Agreement on Reconciliation, Non-aggression, Cooperation and Exchange and the Joint Declaration of the Denuclearization of the Korean Peninsula[2] and the north-south high-level talks by staging the "Team Spirit" joint exercises. Worse still, the United States cannot evade the responsibility for having barred us from discharging our obligations under the NPT.

It is a mistake for the United States to think that it can frighten or subjugate our people by military "pressure" or "strength". Ours are a staunch people who regard independence and dignity as their life and soul and a revolutionary people who never cringe before pressure and threat. We will never tolerate any act of infringement upon the dignity of the nation or the sovereignty of the country.

The Government of the Democratic People's Republic of Korea cannot but take necessary self-defensive measures against the grave situation created on the Korean peninsula by the United States and the south Korean authorities.

Should the United States and the south Korean authorities dare stage the "Team Spirit 93" joint war game, defying our repeated warnings, they will have to bear full responsibility for all the consequences arising therefrom.

The United States must promptly stop the "Team Spirit" manoeuvres, a nuclear war game, looking squarely at the reality and discarding the outdated thinking pattern of the cold war era.

The south Korean authorities must renounce their anti-national act of wrecking peace and blocking reunification in collusion with outside forces.

The Government of the Democratic People's Republic of Korea and the Korean people express the hope that the Governments and peoples of all countries of the world loving justice and peace will pay deep attention to the grave situation created on the Korean peninsula, take joint action with us against the "Team Spirit" exercises and extend firm solidarity to our people's cause of peace and reunification of the country.

DOCUMENT S/25192

Letter dated 29 January 1993 from the representative of Turkey to the President of the Security Council

[*Original: English*]
[*29 January 1993*]

I have the honour to address this letter to you in my capacity as the current Chairman of the Contact Group of the Organization of the Islamic Conference dealing with the question of Bosnia and Herzegovina, and consisting of Egypt, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey.

It will be recalled that on 18 December 1992, the General Assembly adopted resolution 47/121 on the situation in Bosnia and Herzegovina. Paragraph 7 of that resolution reads as follows:

> "7. *Urges* the Security Council, within its responsibility to maintain international peace and security, to again call upon the Serbian and Montenegrin forces to comply with all relevant resolutions and to bring to an end the aggressive acts against the Republic of Bosnia and Herzegovina, to implement and enforce all existing resolutions with respect to the Republic of Bosnia and Herzegovina and the former Yugoslavia and, specifically, further to consider measures, including the following, on an urgent basis, but no later than 15 January 1993:
>
> (*a*) In the event that Serbian and Montenegrin forces fail to comply fully with all relevant resolutions of the Security Council, under the provisions of Chapter VII of the Charter, to authorize Member States, in cooperation with the Government of the Republic of Bosnia and Herzegovina, to use all necessary means to uphold and restore the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina;
>
> (*b*) To exempt the Republic of Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Security Council resolution 713 (1991)..."

Two weeks have elapsed since the date set by the General Assembly for the Security Council to consider the measures in that resolution, but the Contact Group did not press the issue in the hope that the

International Conference on the Former Yugoslavia in Geneva would yield results that would lead to a significant improvement in the field. Unfortunately, these hopes have not materialized. If anything, the situation has been made worse by the intensification of the shelling of Sarajevo in the last few days, resulting in heavy civilian casualties.

In these circumstances, the Contact Group is requesting the convening of an emergency meeting of the Security Council.

We would urge the Security Council to consider and adopt the following measures for the purpose of bringing relief to the suffering inhabitants of Bosnia and Herzegovina and also contributing to a political settlement of the question in Geneva:

(*a*) Effective measures to secure enforcement of the no-fly zone over Bosnia and Herzegovina;

(*b*) Effective measures to secure compliance with the other relevant resolutions of the Security Council;

(*c*) Immediate lifting of the arms embargo on Bosnia and Herzegovina, exempting that country from the provisions of Security Council resolution 713 (1991);

(*d*) Immediate establishment of an international tribunal for war crimes committed in Bosnia and Herzegovina;

(*e*) Increased humanitarian and financial assistance to the people of Bosnia and Herzegovina and the creation of conditions, through enforcement action if necessary, for smooth delivery of relief assistance to all the Bosnian people;

(*f*) Placement of the Serbs' heavy weaponry under effective United Nations control as decided by the London Conference and, in the absence of compliance with this demand, the use of military action to destroy these weapons.

I would be grateful if this letter could be circulated as a document of the Security Council.

(*Signed*) Mustafa AKSIN
Permanent Representative
of Turkey to the United Nations

DOCUMENT S/25193[*] [**]

Letter dated 29 January 1993 from the representative of Yugoslavia to the Secretary-General

[*Original: English*]
[*29 January 1993*]

I have the honour to transmit herewith the text of a letter from Mr. Radoje Kontic, Vice-President of the Federal Government of Yugoslavia concerning the extension of the mandate of UNPROFOR in the territory of the former Yugoslavia.

I should be grateful if you would have the present letter and the attachment circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission
of Yugoslavia to the United Nations

LETTER DATED 29 JANUARY 1993 FROM THE VICE-PRESIDENT OF THE FEDERAL GOVERNMENT OF YUGOSLAVIA ADDRESSED TO THE SECRETARY-GENERAL

Proceeding from the request of the Government of Yugoslavia and the report and recommendations of the United Nations Secretary-General, and pursuant to Security Council resolution 721 (1991), the Security Council decided on 21 February 1992, in its resolution 743 (1992), to deploy the United Nations Protection Force (UNPROFOR) in the territory of the former Yugoslavia for an initial 12-month period.

By Security Council resolution 743 (1992) and other relevant United Nations documents, it has been established that UNPROFOR would remain in the protected areas until a general political solution is found to the Yugoslav crisis, and that its mandate would be renewed should the negotiations fail to produce such a solution.

In view of the fact that the initial mandate of UNPROFOR is soon to expire, I wish to inform you that the Federal Republic of Yugoslavia calls most strongly for the continuation of the peace operation, on which the Security Council will adopt a relevant decision based on your report.

After the brutal war against the Serbian people in the territories of Krajina initiated by Croatia and aimed at its violent secession, and after the numerous unsuccessful attempts at mediation by the European Community in order to quell the conflict, the United Nations has devoted its utmost attention to the civil war in the territories of Serbian Krajina, bearing in mind the seriousness of the situation and the risk of the spread of hostilities into the broader Balkan region.

The Federal Republic of Yugoslavia firmly upholds the position that the setting up of the peace operation was unavoidable and that the deployment of UNPROFOR units in Krajina, populated by Serbian people, was indispensable.

Over the past year, thanks to the involvement of UNPROFOR, a fragile peace was maintained and further confrontation and armed conflicts were avoided. The Federal Republic of Yugoslavia expected that the ongoing peace process would accelerate the reaching of solutions, by means of which peaceful life and security would be assured the population in the zones under UNPROFOR protection.

The negotiating process in Geneva - in which the Federal Republic of Yugoslavia has been participating very actively - is an ongoing one. The initial results are in sight. Unfortunately the most recent aggression by Croatia against the territory under UNPROFOR protection is a classic example of flagrant violation of the Charter of the United Nations and of the Vance plan, which was noted by the Security Council in its resolution 802 (1993) and statements by the President of the Security Council. The Federal Republic of Yugoslavia is interested in the full implementation of the Vance plan and its provisions, to which end it is exerting its best efforts.

In view of all the above, we are convinced that the conditions have still not been met for UNPROFOR to pull out from the territories under its protection. On the contrary, Croatian aggression illustrates that UNPROFOR is even more needed today than a year ago in order to ensure the protection of the Serbian people in Krajina. Safeguarding peace and security in those areas directly helps the negotiating process in Geneva.

The Federal Republic of Yugoslavia, as a signatory to the Vance plan on the basis of which the Security Council made its decision on the deployment of the peace operation, calls strongly for the extension of the UNPROFOR mandate for the coming 12-month period. We therefore wish to ask you kindly to recommend this in your report to the Security Council.

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[*] Incorporating document S/25193/Corr.1 dated 2 February 1993.

[**] Circulated under the double symbol A/48/73-S/25193.

Radoje KONTIC
Vice-President

DOCUMENT S/25194[*]

Letter dated 29 January 1993 from the representative of Turkey to the Secretary-General

[*Original: English*]
[*29 January 1993*]

I have the honour to enclose herewith the text of a statement made by the spokesman of the Ministry of Foreign Affairs of Turkey on 28 January 1993, regarding the report of the Special Commission of Inquiry on the assassination of Mr. Hakija Turajlic, Deputy Prime Minister of Bosnia and Herzegovina [*S/25130*].

I would be grateful if you could have the present letter and the text of the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Mustafa AKSIN
Permanent Representative
of Turkey to the United Nations

TEXT OF THE STATEMENT

Following the assassination of Mr. Hakija Turajlic, Deputy Prime Minister of Bosnia and Herzegovina, on 8 January 1993 by a Serbian militia under the command of high-ranking officers while he was under the protection of UNPROFOR [*United Nations Protection Force*], Turkey requested an urgent meeting of the Security Council. At its meeting, the Security Council adopted a presidential statement requesting the Secretary-General of the United Nations to undertake a full investigation of the incident and report to it without delay [*S/25079*].

The report submitted by the Special Commission of Inquiry appointed by the Secretary-General [*S/25130*] has been studied carefully by the Ministry of Foreign Affairs.

We have noted with concern and regret that the report was written in a manner that plays down the gross negligence and heavy responsibility that UNPROFOR bears. It appears to seek excuses for the Serbian action and presents the assassination as the work of a single assailant.

We have also noted with concern that the request made by the Government of Bosnia and Herzegovina to conduct the investigation jointly was declined by United Nations Headquarters.

UNPROFOR is responsible for the protection of civilians and has the authority to use its weapons to protect lives. By remaining a mere spectator to the assassination of Mr. Turajlic, whom it had a responsibility to protect, UNPROFOR failed to exercise its authority and to carry out its duty. The explanations provided to minimize these failures are inadmissible.

The report also reveals that the Security Council resolutions are still not being implemented and that UNPROFOR is ineffective and completely dependent on the whims of the Serbian militia. This demonstrates once again how justified Turkey is in insisting that the Security Council takes action to bring to an end the Serbian aggression and to strengthen the mandate of UNPROFOR.

The report provides an insight into the inexcusable lack of coordination between the relevant United Nations agencies in Bosnia and Herzegovina.

In this connection, one disturbing aspect of the report is the attempt to draw a direct link between the incident and the arrival of a Turkish aircraft that brought relief supplies to Sarajevo, its landing having been authorized and cleared by the UNHCR, and to relate the brutal murder to the presence of this aircraft in Sarajevo. Turkey cannot accept this fallacious reasoning.

The assassination of Mr. Turajlic demonstrates once again the violence and cruelty of the Serbs in Bosnia and Herzegovina.

In Bosnia and Herzegovina, the Serbs are committing aggression against an independent and sovereign State Member of the United Nations, for the purpose of establishing ethnic hegemony. They are attempting to acquire land through the use of force and by deporting the local population from their homeland through the practice of "ethnic cleansing." What we are expecting from the United Nations is for it to bring to an end this flagrant violation of international law, the consequences of the policy of "ethnic cleansing," and, above all, to bring about peace through securing the ending of hostilities in Bosnia and Herzegovina.

Turkey condemns vigorously the atrocities which have cost the lives of more than 150,000 people and caused the displacement of a further 1.7 million. Turkey also calls upon the United Nations to draw the appropriate conclusions from the assassination of Mr. Turajlic and henceforth take effective measures to put an end to the Serbian aggression. Finally, we expect all those who bear responsibility for the death of Mr. Turajlic to be punished.

DOCUMENT S/25195

Letter dated 29 January 1993 from the representative of Ukraine to the President of the Security Council

[*Original: English*]
[*29 January 1993*]

With reference to your statement [*S/25190*] made on behalf of the members of the Security Council on 28 January 1993 in connection with letters of 27 and 28 January [*S/25189 and S/25182*] from the Chargés d'affaires a.i. of the Permanent Missions of Romania and Bulgaria, respectively, addressed to you, I have the honour to inform you of the following:

In accordance with the results of preliminary investigations carried out by competent Ukrainian authorities no oil or petroleum products were shipped to the Federal Republic of Yugoslavia (Serbia and Montenegro) by the vessels under Ukrainian flag after the adoption of resolution 757 (1992) and indeed after the adoption of resolution 787 (1992).

Special investigation with regard to the tugboat *Bihac* and other tugboats revealed that the barges towed by those vessels were loaded in the Danube waters from tankers with petroleum products shipped by companies and organizations of, *inter alia*, Russia, Greece, Turkey, Bulgaria and Cyprus. It is proved by the relevant documents. Therefore Ukraine is not the exporter of the above-mentioned petroleum products and in accordance with the information available to the Ukrainian authorities their destination was other than the Federal Republic of Yugoslavia (Serbia and Montenegro).

The Government of Ukraine remains committed to all Security Council resolutions concerning sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) and is ensuring their strict implementation by Ukrainian companies and organizations.

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[*] Circulated under the double symbol A/47/879-S/25194.

Enclosed in the annex hereto please find information regarding the movement of the vessels in question from 30 November 1992 until 23 January 1993.[*]

I should appreciate it if you would have this letter circulated as a document of the Security Council.

(*Signed*) Victor H. BATIOUK
Permanent Representative of
Ukraine to the United Nations

DOCUMENT S/25196[**]

Letter dated 29 January 1993 from the representative of Cyprus to the Secretary-General

[*Original: English*]
[*29 January 1993*]

I have the honour to transmit herewith a copy of a letter dated 25 January 1993 addressed to you by the President of the Republic of Cyprus, Mr. George Vassiliou.

I should be grateful if the text of the present letter and the attachment could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) A. J. JACOVIDES
Permanent Representative of
Cyprus to the United Nations

LETTER DATED 25 JANUARY 1993 FROM THE PRESIDENT OF CYPRUS ADDRESSED TO THE SECRETARY-GENERAL

Our meeting in Paris was a very fruitful one and I would like once more to express to you my thanks and appreciation for rendering it possible. It is indeed of great importance to give to all concerned the message for the urgent need for progress in our efforts for a just solution of the Cyprus problem and the determination of the international community not to accept the *faits accomplis* created by the Turkish invasion and occupation of part of Cyprus.

In this respect I noted with satisfaction the recent resolution of the European Parliament on Cyprus, which contributes constructively to our efforts.

Unfortunately the attitude and response of the Prime Minister of Turkey, Mr. Suleyman Demirel, is becoming increasingly menacing and hubristic. Not only does Mr. Demirel show utter contempt for the Security Council, but in a recent statement in the Turkish daily *Millyet*, a translation of which I enclose for your information,[***] he added threats to insult. Indeed, he stated that if there were international pressures for arrangements in Cyprus unacceptable to Turkey, "they [*the Cypriots*] will regret the day when their mother gave them birth", adding that "Adana [*Turkey*] Airport is only six minutes from Nicosia". Mr. Demirel also said that "nothing can happen in Cyprus which is not the will of Turkey". The message these statements carry is more than clear.

I am certain that you share my belief that statements like these constitute an insult to the international community as such, and augur very badly for the future. Instead of complying with resolution 789 (1992), the Prime Minister of Turkey threatens a small and defenceless country, part of which is occupied by his country's troops.

Furthermore, there is a warning to the international community and the Security Council that it can decide nothing that Turkey does not want. Such an insolent and crude statement is without precedent and runs counter to the purposes of the Charter of the United Nations, to international law and the principles that should govern international relations and behaviour.

I am writing this letter to you not only to acquaint you with the contents of this disgraceful statement, but in order to request that, through you, the Security Council be recalled to take such action as is deemed necessary to oblige Turkey to observe international legality and to remind her of the Security Council's determination to ensure compliance with all its resolutions without exception.

(*Signed*) George VASSILIOU

DOCUMENT S/25197

Letter dated 29 January 1993 from the representative of South Africa to the Secretary-General

[*Original: English*]
[*29 January 1993*]

I have the honour to attach the text of a letter from the Minister for Foreign Affairs, Mr. R. F. Botha, concerning allegations by the Angolan Government of South African involvement in Angola.

I should be grateful if the letter could be circulated as a document of the Security Council.

(*Signed*) V. R. W. STEWARD
Permanent Representative
of South Africa to the United Nations

LETTER DATED 29 JANUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF SOUTH AFRICA ADDRESSED TO THE SECRETARY-GENERAL

In my letter of 27 January 1993 to you [*S/25177*], I pointed out that the Angolan Minister of Defence alleged on 22 January 1993 that a South African Hercules C-130 aircraft carrying provisions for UNITA and ostensibly "flying out of Jamba", had been shot down in Angola by Angolan Government forces. The South African Government stated on 23 January 1993 that no South African aircraft had been involved and the Angolan Government was urgently requested to furnish the registration number of the aircraft and other details. To date no response had been forthcoming, although the allegation persists.

The South African Government has now received information that a Hercules C-130 aircraft, bearing the markings ENDIAMA and with Angolan registration D2EHD, was fired upon and hit by a RPG-7 rocket on 22 January 1993 (the date the Angolan Government alleged the incident took place) on take-off from Luena in the Moxiko province of Angola. The pilot apparently was able to carry out an emergency landing and there were no casualties. You will be aware that ENDIAMA is an Angolan organization involved in diamond mining activity in that country.

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[*] The annex is not reproduced in the present *Supplement*, it may be consulted in the files of the Secretariat.

[**] Circulated under the double symbol A/47/880-S/25196.

[***] The enclosure is not reproduced in the present *Supplement*, it may be consulted in the files of the Secretariat

I have irrefutable evidence in my possession that the aircraft was in fact carrying provisions for Angolan Government troops. The facts are therefore as follows:

- The aircraft was an Angolan aircraft;
- It carried provisions for Angolan Government forces;
- It was shot at but not shot down;
- The Angolan Government itself claimed that its troops brought down the aircraft.

Unsubstantiated claims of this nature clearly do not contribute to the creation of a climate of confidence within which a solution to the tragic events in Angola can be found. As I indicated to you in my letter of 27 January 1993, my Government is committed to supporting international efforts which are currently under way to bring peace to Angola.

(*Signed*) R. F. BOTHA

DOCUMENT S/25200

Letter dated 29 January 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*29 January 1993*]

I wish to report to you and through you to the members of the Security Council on developments relating to the destruction of the arms and equipment which, in accordance with the provisions of the Peace Agreement for El Salvador [*S/23501, annex*] , were deposited by the Frente Farabundo Martí para la Liberación Nacional (FMLN) in previously designated locations and placed under the supervision of the United Nations Observer Mission in El Salvador (ONUSAL).

It will be recalled that in my report to the Security Council of 23 December 1992 [*S/25006*] I indicated that the armed conflict between the Government of El Salvador and the FMLN had been brought formally to an end on 15 December in accordance with the adjustment in the timetable to which the two sides had agreed on the basis of my proposal of 23 October 1992. The destruction by FMLN of its arms inventory was to have been completed on 15 December, except for certain categories of weapons which would take longer to destroy for technical reasons.

Towards the end of December FMLN suspended the process of destruction of its remaining arms and equipment. After repeated requests for compliance by ONUSAL, my Special Representative informed the FMLN leadership that, should FMLN fail to take action to resume the process, alternative ways to ensure compliance would have to be put into effect.

On 21 January 1993, my Special Representative informed me that, at a meeting the previous day, FMLN had undertaken to resume the destruction of its arms and equipment on 22 January and to complete it by 29 January. Although the process did resume on the date indicated, I regret to have to report to the Security Council that FMLN, despite prior assurances, did not complete the destruction of its weapons by the agreed deadline and that it is therefore not yet in compliance with its undertakings under the Peace Agreement.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25201

Letter dated 29 January 1993 from the representative of Ukraine to the President of the Security Council

[*Original: English*]
[*30 January 1993*]

I have the honour to transmit herewith the text of the statement by the Ministry of Foreign Affairs of Ukraine dated 29 January 1993, in connection with the sanctions regime on the Danube.

I kindly request you to have the text of this letter and the statement circulated as a document of the Security Council.

(*Signed*) Victor H. BATIOUK
Permanent Representative of Ukraine
to the United Nations

TEXT OF THE STATEMENT

[*Original: English/Russian*]

Recently various media have circulated reports to the effect that Ukraine is supplying petroleum products to the Federal Republic of Yugoslavia by way of the Danube, thereby violating United Nations sanctions against that country.

In this connection, the Ministry of Foreign Affairs of Ukraine considers it necessary to make the following statement:

To the knowledge of the organs of Ukraine responsible for monitoring implementation of United Nations decisions concerning the application of sanctions against the Federal Republic of Yugoslavia contained in Security Council resolutions 757 (1992) of 30 May 1992 and 787 (1992) of 16 November 1992, all State and Government authorities of Ukraine are strictly applying the embargo regime.

During the period from November 1992 to January 1993, five tugboats sailing under the Federal Republic of Yugoslavia flag towing more than 30 barges loaded with petroleum products were observed travelling along that part of the Danube which lies within Ukrainian territory.

Investigations showed that the barges had been loaded with petroleum products from tankers on the Danube. At the same time it was reliably established that the said petroleum products had been offloaded by companies and organizations of Russia, Bulgaria, Greece, Cyprus and Turkey with a view to their subsequent delivery to Austria, Bosnia and Herzegovina, Croatia and the former Czech and Slovak Federal Republic. Thus, for example, the Russian company Salavatneftegazsintez has recently offloaded some 3,000 tons of diesel fuel for Bosnia and Herzegovina; this fact is borne out by related documentation.

Accordingly, accusations that Ukraine has directly or indirectly violated United Nations sanctions against the Federal Republic of

Yugoslavia by exporting the aforementioned consignment of petroleum products to that country are unfounded. The shipments were not made by vessels sailing under the Ukrainian flag, and this in itself demonstrates, from the formal and legal point of view, that there has been no deviation whatsoever from the international standards established by the Security Council.

As a Member of the United Nations and the international community, Ukraine strictly complies with its obligations. Although it is suffering considerable economic hardship as a result of the embargo, the Government of Ukraine is taking and will continue to take all necessary measures to ensure the unqualified and unconditional implementation of Security Council resolutions concerning sanctions against the Federal Republic of Yugoslavia.

Evidence of Ukraine's readiness to cooperate in the closest possible manner with the United Nations and European bodies in this regard may be seen in its agreement to the stationing at the Ukrainian ports of Reni and Izmail of international missions to promote the application of sanctions which should begin their work in the very near future.

The Government of Ukraine will continue to do all in its power to ensure close cooperation with the United Nations on matters of priority concern for the international community, including fulfilment of the important United Nations mission to settle the crisis in the territory of the former Yugoslavia.

DOCUMENT S/25202

Letter dated 28 January 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*30 January 1993*]

Acting under paragraph 1 of Article 35 of the Charter of the United Nations, the Presidency of the Republic of Bosnia and Herzegovina requests an emergency meeting of the Security Council with respect to the following gross manifestations of renewed Serbian and Montenegrin aggression against the Republic of Bosnia and Herzegovina:

1. Beginning yesterday at 6 a.m., Serbian and Montenegrin extremists forces used heavy artillery and other weapons of destruction in what was the heaviest bombardment of Sarajevo in four months.

2. Serbian and Montenegrin extremist forces ordered all Muslim citizens of the towns of Trebinje and Bileca to immediately leave Province 6 of the Vance-Owen plan as of 26 January.

3. On 25 January, a column of 10 tanks and 150 trucks carrying 2,000 Serbian and Montenegrin extremist troops entered the town of Rudo in the Republic of Bosnia and Herzegovina from the city of Priboj in the Republic of Serbia.

4. Large numbers of military vehicles accompanied by heavy artillery entered the territory of the Republic of Bosnia and Herzegovina from the Republic of Serbia by crossing the Karakaj bridge near the town of Zvornik.

5. During the most recent session of the Geneva conference on the former Yugoslavia, Serbian and Montenegrin extremist forces continuously launched artillery attacks against towns in the Srebrenica region from the towns of Ljubovija and Bajina Basta in the Republic of Serbia, resulting in 80 civilian casualties.

6. On 26 and 27 January, the aggressor carried out about 50 reinforcement sorties using helicopters into Gradacac, transporting personnel and matériel from the direction of Duge Njive, Modrica, Skugrici, Brcko and Samac.

The renewed and intensified Serbian and Montenegrin aggression against the Republic of Bosnia and Herzegovina seriously undermines the political solution-seeking process in Geneva, and raises legitimate doubts about the aggressor's sincerity in pursuing a settlement in Geneva. The Government of the Republic of Bosnia and Herzegovina finds it quite difficult to continue negotiations in Geneva under the conditions outlined above.

May I request your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25203

Letter dated 29 January 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*1 February 1993*]

I have the honour to transmit, enclosed herewith, a letter from Mr. Radoje Kontic, Vice President of the Federal Government of Yugoslavia, addressed to you.

I should be grateful if you would circulate the present letter and the attachment as a document of the Security Council.

I would request you to immediately inform the other members of the Security Council of the contents of this letter.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i. of the
Permanent Mission of Yugoslavia
to the United Nations

LETTER DATED 29 JANUARY 1993 FROM THE VICE PRESIDENT OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Permanent Representative of the Muslims of former Bosnia and Herzegovina addressed on 24 January 1993 a letter to you [*S/25152*], in which he made the allegation that, in the period from 7 to 21 January, Yugoslav Air Force aircraft and helicopters have been taking off from the Ponikve Airport and engaging in combat action and transportation flights in the territory of the former Bosnia and Herzegovina, in the area of the towns of Srebrenica and Brcko.

As signatory to the agreement on the monitoring of airports in the Federal Republic of Yugoslavia and the most important person in charge of its implementation, the Chief of Staff of the Yugoslav Army has informed me that those allegations are untrue and that they are aimed at deceiving the Security Council, the international public and all the relevant world factors. The irrefutable proof of that are the official reports on the implementation of Security Council resolution 781 (1992) [*S/24900/Add.9-13*], produced on the basis of the reports of the monitors deployed in the Federal Republic of Yugoslavia airports - Ponikve included - as well as the AWACS system, where there is no word whatsoever of the flights mentioned by the Muslim representative.

The letter of the Muslim representative, dated 24 January, is yet another in a series of attempts to supply the Security Council with untruths and falsities on the account of the Federal Republic of Yugoslavia and the Serbian people on the whole, and such untruths may be expected in the future as well.

However, the Security Council should be the last place in the world where lies should be allowed to prevail over truth. Should the Security Council, in reviewing the flight ban pursuant to its resolution 781 (1992), be led by false allegations that could have unforeseeable consequences? I am confident that it will not be the case. I would therefore appreciate very much if you would be so kind as to inform immediately the members of the Security Council of the substance of this letter.

(*Signed*) Radoje KONTIC
Vice President

DOCUMENT S/25204

Letter dated 1 February 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*1 February 1993*]

I have the honour to address you regarding my Government's review of the report of the Special Commission of Inquiry into the assassination of Mr. Hakija Turajlic, Deputy Prime Minister of the Republic of Bosnia and Herzegovina, on 8 January 1993 [*S/25130*]. As a result of the review and for the reasons set forth in greater detail below, I request on behalf of the Presidency of the Republic of Bosnia and Herzegovina that the Security Council take the following actions:

1. Authorize an additional and supplemental investigation headed by an independent body, in cooperation with UNPROFOR [*United Nations Protection Force*] and the Government of the Republic of Bosnia and Herzegovina, into the assassination of Deputy Prime Minister Turajlic;

2. Request the Secretary-General to submit a report regarding the never implemented UNPROFOR control on the corridor linking Sarajevo with its airport and the steps currently being taken by UNPROFOR to implement such control;

3. Issue a presidential statement clarifying the mandate of UNPROFOR in accordance with the provisions of Security Council resolution 770 (1992).

The investigation

The investigation of the Special Commission of Inquiry regarding Deputy Prime Minister Turajlic's assassination was carried out by United Nations officials, rather than by independent experts in criminal investigation. Moreover, the investigation was performed without attention to basic principles of criminal investigations. The Commission did not question numerous important eyewitnesses to the events of 8 January 1993 and, furthermore, its report fails to address certain important issues related to the incident.

Without question, even the most rudimentary murder investigation involves the interrogation of the suspected murderer and all relevant witnesses to the crime. Despite this elementary rule, the Commission apparently did not attempt to interview either the suspected assassin (whose identity the report fails to mention) or any of the Serbian officers or soldiers participating in the Nedarici roadblock at the time of the assassination.

Moreover, the Commission failed to question the UNPROFOR Serbian Liaison Officer (whose identity again is not contained in the report), whom Private (First Class) Greener identified in his interview as having entered the APC [*armoured personnel carrier*] and as having held discussions with the Deputy Prime Minister.

Additionally, the Commission did not interview any of the UNPROFOR personnel in charge of radio communication or other personnel at the Nedarici checkpoint who may have observed the confrontation.

Finally, the Commission did not interview various persons involved in the two-hour negotiation process that preceded the murder, including the Serbian leadership and the Government of the Republic of Bosnia and Herzegovina.

In the light of these omissions in the Commission's investigation, the Commission's finding that the assassination was the work of a lone assassin cannot be accepted as conclusive. Indeed, certain of the evidence contained in the report could be interpreted as leading to a different conclusion.

Though the report mentions in several places that the identity of the Deputy Prime Minister was not known, Col. Sartre's 14 January 1993 memorandum (appendix IV to the report) states that the Serbs at the checkpoint informed Col. Sartre upon his arrival "that the passenger was Mr. Hakija Turajlic ..." Despite this fact, the occupation forces continued to blockade Mr. Turajlic's APC.

Moreover, it appears that the Commission did not sufficiently investigate, and the report certainly does not adequately address, why four other APCs were allowed to pass the checkpoint while the APC holding the Deputy Prime Minister continued to be detained.

These actions, as well as the refusal of those at the checkpoint to allow the door of the APC to be closed, and the long negotiation process involving several levels of Serbian leadership cause one to seriously question the Commission's findings.

Another important issue that remains unanswered in the report, is a detailed description of the course of events following the assassination, including a discussion of the failure of UNPROFOR personnel to use their weapons.

We also regret that the emphasis of the report is that the incident arose largely because UNPROFOR was unaware that its passenger was the Deputy Prime Minister. Clearly UNPROFOR was requested to transport an official delegation and undertook to do so in a professional manner. By focusing on the apparent lack of knowledge of Mr. Turajlic's identity, the report unfortunately suggests that UNPROFOR's errors and omissions would have been acceptable had an ordinary citizen or lower level official been killed in the APC.

I submit that the possibility of conflicting interests, the numerous unanswered questions, and the Commission's failure to properly investigate the assassination require the appointment of an independent investigative body, in cooperation with UNPROFOR and the Government of the Republic of Bosnia and Herzegovina, charged with preparing a complete report on the Deputy Prime Minister's murder.

The UNPROFOR corridor

Paragraphs 26 through 28 of the report note that UNPROFOR, in accordance with the agreement signed on 5 June 1992 by, among others, representatives of occupation forces, was to place under its control security corridor linking the airport with Sarajevo. The lack of control was cited by the report as a "major contributing factor" to the

Deputy Prime Minister's assassination, "which could have been avoided if the above-mentioned agreement had been properly implemented".

Though more than seven months have elapsed since the execution of the 5 June agreement, such a security corridor has yet to be established. In complete disregard for the 5 June agreement, the representatives of the occupation forces noted in their statements to the Commission that their Nedarici checkpoint was a "permanent one" (see para. 21 of the report). Indeed, one should note that even several days after the assassination, the UNPROFOR Military Police came across two military policemen of the occupation forces upon their arrival at, and investigation of, the assassination site.

Based on the continued violations of the 5 June agreement, the Presidency of the Republic of Bosnia and Herzegovina requests that the Security Council mandate the Secretary-General immediately to prepare and issue a report detailing the reasons for UNPROFOR's failure to establish the security corridor and further detailing the steps currently being taken by UNPROFOR to implement the agreement.

UNPROFOR mandate

Paragraphs 40 and 43 of the report conclude that there is a "lack of knowledge and understanding of the mandate and activities of UNPROFOR among the authorities", which contributed to the incident.

In an attempt to alleviate any misinterpretations, we request that a presidential statement be issued clarifying that UNPROFOR's mandate, in accordance with Security Council resolution 770 (1992), includes taking "all necessary measures" required to deliver humanitarian assistance. Such clarification would benefit all parties and would help to prevent a repetition of this type of tragic event.

Conclusion

My Government firmly believes that the work of the Commission and its report has not been adequately completed. The Presidency of the Republic of Bosnia and Herzegovina therefore implores the members of the Council to implement the above requests with all due urgency.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25205

Letter dated 1 February 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*1 February 1993*]

As of 22 June 1992, the Public Attorney of the Republic of Bosnia and Herzegovina had filed charges against 41 persons suspected of committing the crime of genocide within Bosnia and Herzegovina. They include Radovan Karadzic, Nikola Koljevic, Biljana Plavsic, Ratko Mladic and the other individuals named on the list contained in the annex hereto.[*]

These persons are suspected of repeated gross violations of national and international human rights law and humanitarian law, including violations of the Geneva Conventions of 12 August 1949[11] and the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948.[12] They are accused of the systematic implementation of "ethnic cleansing", related atrocities, arbitrary killings, severe ill-treatment and torture, forcible displacement of people and the destruction of civilian areas. The overwhelming majority of their victims are civilians.

Numerous international human rights organizations, including Helsinki Watch, have already identified some of these individuals as war criminals. The listed individuals represent a grave and continuing threat and should be apprehended and held for trial. Allowing them to promote their campaign of ruthless violence and hatred would condone the suspected violations, invite their repetition and erode the rule of law.

We therefore request that the Security Council refuse to permit these suspected war criminals to participate in any way in the United Nations, including the Security Council.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25207

Letter dated 29 January 1993 from the representative of Romania to the Secretary-General

[*Original: English*]
[*1 February 1993*]

Upon instructions from my Government, I have the honour to transmit herewith the memorandum of the Government of Romania regarding losses, damages and economic difficulties sustained by Romania as a result of the implementation of Security Council resolutions 757 (1992) and 787 (1992).

Accordingly, the Romanian Government is requesting consultations with the Security Council with a view to taking urgent measures for overcoming the specific economic difficulties arising from the observance and implementation of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) imposed by Security Council resolutions 757 (1992) and 787 (1992) on the basis of Article 50 of the Charter of the United Nations, in order to find appropriate solutions for compensation.

I would be grateful if your forthcoming report on the implementation of resolutions 757 (1992) and 787 (1992) would draw the attention of the Security Council to the very difficult problems confronting Romania as a result of sanctions against Yugoslavia, as well as the possibilities for the world Organization and its Member States to render assistance to my country.

I would like to convey the hope of the Romanian Government that the most serious effects on Romania, resulting from the implementation of the sanctions on Yugoslavia, will be examined with utmost attention and willingness by the Security Council in adopting appropriate recommendations in order to compensate the severe losses with which my country is confronted.

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[*] The annex is not reproduced the present *Supplement*, it may be consulted in the files of the Secretariat

I would highly appreciate it if you would circulate the present letter and the attached memorandum to the members of the Security Council and as a document of the Council, to be considered in accordance with Article 50 of the Charter.

(*Signed*) Valeriu FLOREAN
Chargé d'affaires a.i.
of the Permanent Mission of Romania
to the United Nations

TEXT OF THE MEMORANDUM

1. The memorandum submitted to the Secretary-General of the United Nations regarding measures undertaken by the Government of Romania in pursuance of Security Council resolution 757 (1992) concerning the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) [*S/24142*] in a preliminary manner noted with deep concern that those measures would lead to considerable economic and financial losses and damages to Romania and to legal entities and physical persons doing business with partners from the Federal Republic of Yugoslavia. In addition to that, the implementation of the provisions of Security Council resolutions 757 (1992) and 787 (1992) has generated further major disturbances in the carrying out of other economic activities in Romania.

2. As compared to the preliminary estimations contained in document S/24142 the competent Romanian authorities have undertaken a careful examination of the overall negative impact on Romania's economy as a result of the implementation of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

3. By the end of 1992, direct and indirect losses and damages to the Romanian economy incurred since the beginning of the sanctions were estimated at approximately US$ 7 billion. The negative impact of the sanctions has seriously affected all branches of the economy and most of the important economic sectors were severely damaged, as follows:

(*a*) Industry, where, as a result of disrupted production links, cancelled shipments of commodities and raw materials and unsold goods, the estimated losses amount to US$ 3 billion. The greatest damages were recorded in the machine-building industry, petrochemistry, chemistry and metallurgy;

(*b*) Transport, where, owing to the cancellation and detour of Romanian airlines flights, disruption of the transportation of cargoes and passengers and of the trade activities of the Romanian State railways, and difficulties in navigation along the Danube, the damages amount to US$ 0.1 billion;

(*c*) Agriculture and the food industry, where the damages and losses amount to US$ 2.7 billion;

(*d*) Tourism, where, as the flow of tourists has recorded a considerable decrease, the losses incurred amount to approximately US$ 0.6 billion;

(*e*) Unreceived customs taxes and losses caused to other sectors of activity amount to US$ 0.6 billion.

4. Alongside the direct and indirect damages and losses, the implementation of the sanctions has had negative economic and social consequences, further aggravating the effect on the Romanian economy, which is currently faced with a serious economic crisis due to the transition period. The social impact is illustrated by increasing unemployment, lack of consumer goods and migration of the labour force.

5. The overall effect of all losses and damages incurred makes it absolutely necessary for Romania to receive financial and technical assistance from the international community, in particular from the industrialized countries, which would compensate for the considerable losses and damages.

6. Therefore, Romania would like to exercise its right, under Article 50 of the Charter of the United Nations, to hold consultations with the Security Council with a view to taking urgent measures for overcoming the specific economic difficulties arising from carrying out the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) imposed by Security Council resolutions 713 (1991), 757 (1992) and 787 (1992).

7. The Government of Romania reaffirms its determination to observe the provisions of Security Council resolutions 713 (1991), 757 (1992) and 787 (1992). At the same time, the Government of Romania reiterates its hope that all interested parties will do their best for the final and peaceful settlement of the Yugoslav crisis, so that the sanctions established by the Security Council may be terminated as soon as possible.

DOCUMENT S/25210

Letter dated 1 February 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*1 February 1993*]

Over the last several days, approximately 5,000 Muslim citizens from the town of Trebinje have been "ethnically cleansed" from their homes by Serbian and Montenegrin paramilitary forces, and have sought refuge in the following towns: Plav, Tutin, Tuz and Rozaj near the Sandzak area of Montenegro and Serbia.

We have just been informed that there is an imminent threat to the physical safety of these refugees. These towns have now been surrounded by Serbian and Montenegrin paramilitary forces plotting the physical extermination of these refugees. We request the Security Council, with all due urgency, to take immediate steps to secure their safety.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25213

Letter dated 1 February 1993 from the representative of Bulgaria to the President of the Security Council

[*Original: English*]
[*1 February 1993*]

Further to my letter of 28 January to the President of the Security Council [*S/25182*], and with reference to the statement of the President of the Council to the media of 28 January [*S/25190*], I have the honour to transmit herewith the text of a declaration by the Government of the Republic of Bulgaria issued on 1 February 1993, regarding the recent gross violations by ships sailing on the Danube under the flag of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the sanctions imposed by Council resolutions 757 (1992) and 787 (1992).

I should be grateful if you would have the text of this letter and the declaration circulated as a document of the Security Council.

(*Signed*) Jordan LOZANOV
Chargé d'affaires a.i.
of the Permanent Mission of Bulgaria
to the United Nations

TEXT OF THE DECLARATION

The Government of the Republic of Bulgaria expresses its deep concern about the recent gross violations by ships sailing on the Danube under the flag of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the sanctions imposed by Security Council resolutions 757 (1992) and 787 (1992). These acts represent a serious defiance of the international community and of peace and security in the region.

Being aware of its responsibility and obligations with regard to the implementation of resolution 787 (1992), Bulgaria undertook measures commensurate with the specific circumstances to halt, inspect and verify the cargoes of the ships sailing on the Danube. In doing so, the Bulgarian Government was guided by the precedence of resolution 787 (1992) over the established international regime of navigation on the Danube, notwithstanding the negative effect of these measures on the long-term interests of the riparian States.

From the moment when the first of the several tugboats, illegally shipping oil products, entered the Bulgarian-Romanian sector, the Bulgarian border and other competent authorities undertook repeated but unsuccessful attempts to establish a radio link, to halt the ship and inspect its documents, cargo and destination. Analogous measures were undertaken with regard to the convoys that followed.

In connection with the incident an emergency meeting of the Security Council Sanctions Committee was convened on the initiative of Bulgaria. The European Community observer mission on the Bulgarian border with former Yugoslavia, as well as the European Community/Conference on Security and Cooperation in Europe Sanctions Assistance Mission were notified. At the same time, Bulgaria stressed before the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) its deep concern about the provocative actions of the Serbian ships.

With a view to the existing situation and the specific circumstances at the time, it is the belief of the Bulgarian Government that all possible peaceful means to enforce unilaterally resolution 787 (1992) have been exhausted.

At the same time, the Bulgarian Government is completely aware of the fact that the use of force (which is not explicitly stated in resolution 787 (1992)) could lead to unpredictable developments in the region, including a spread of the armed conflict.

There is another, no less important aspect to a possible use of force - the real risk of casualties and environmental catastrophe in the region of the Danube and the Black Sea, which would make necessary an emergency shutdown of the Kozloduy nuclear power station.

Bearing in mind the specific regime of the navigation on the Danube and the international legal status of the common Bulgarian-Romanian sector, Bulgaria proposed to undertake joint action together with Romania for halting and inspecting the ships. In essence, resolution 787 (1992) requiring measures on the part of the riparian countries in the territories under their jurisdiction, could be implemented effectively in the common Bulgarian-Romanian sector only on the basis of well-coordinated joint action of both countries.

Besides, the incidences of gross violations of the sanctions regime imposed by resolution 787 (1992) have categorically proved that the international community has to address the problem of the responsibility of those who directly violate the sanctions as a top priority. It is necessary to delimit clearly and grade the extent of responsibility of the States where the convoys are laded, the States whose territorial waters they sail through, and the States acting in a common sector of the Danube.

Proceeding from the fact that there are no facilities for loading and unloading of liquid fuels at any Bulgarian port along the river, as well as from the signals that the violations are taking place before the Bulgarian-Romanian sector, the Government of the Republic of Bulgaria proposes that one or several permanent missions of international observers be deployed in the lower course of the Danube. The terms of reference of these missions could include the functions of warning of violations and their prevention, signalling and registering existing violations, etc.

The Bulgarian Government would like to express once again its readiness strictly to implement the sanctions concerning the Federal Republic of Yugoslavia (Serbia and Montenegro) and to cooperate with the international community in the rigorous enforcement of Security Council resolution 787 (1992).

DOCUMENT S/25218

Letter dated 1 February 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*2 February 1993*]

I have the honour to transmit herewith a letter from Mr. Ilija Djukic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would circulate the present letter and the attachment as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia
to the United Nations

LETTER DATED 1 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have to inform you with regret and resentment that, in defiance of resolution 802 (1993) adopted by the Security Council and despite the condemnations expressed in the statements of its President, the Republic of Croatia's brutal aggression against the areas under the protection of the United Nations Protection Force (UNPROFOR) continues. To make things worse, according to the information available so far, the Republic of Croatia is preparing a fresh attack on the area of Western Slavonia (Sector West).

The Republic of Croatia is continuing the concentration and operational development of its forces in the area of Lipovljan, Kutina, Garesnica, Novska, Pakrac and Nova Gradiska. An armour column is stationed on the Petrovo Selo-Nova Gradiska road. Tanks are also being deployed along the Kutina-Novksa route. The Republic of Croatia intends to carry out the whole operation under the pretext of ending the blockade of the motorway. In addition to infantry, artillery and armoured units they also plan to use air forces. Conscription is continuing in the Republic of Croatia and call-up slips have been sent also to Croatians living in Austria, Germany and Hungary. Reconnaissance missions have been intensified with respect to Baranja, Western Srem and Eastern Slavonia as well as troop build-ups in the wider area of Osijek, Valpovo and Vinkovci. Over the past few days, the Croatian authorities have even begun evacuating the civilian population from Daruvar to Bjelovar, including from the eastern part of the town of Osijek to the village of Sarvas, and vacating hospitals, an additional indication that the preparations for a new aggression are under way.

All these elements have been made known to General Zabala, Commander of the Force, Sector West, and subsequently to General Satish Nambiar himself.

By undertaking preparations for a new attack on the area under the protection of UNPROFOR, the Republic of Croatia not only defies the provisions of resolution 802 (1993) but is ready to cause new bloodshed. The purpose of the attack is to over-internationalize the conflicts in the territory of the former Socialist Federal Republic of Yugoslavia and, furthermore, to draw the Federal Republic of Yugoslavia in the open conflict too.

The Federal Republic of Yugoslavia, as a party to the Vance plan, has both the obligation and a right to protect the Serb population in the United Nations Protected Area (UNPA). Yugoslavia has already warned of this commitment, though it has exercised maximum restraint so far in respect of Croatia's aggression in the UNPAs, which is in accordance with its efforts aimed at safeguarding peace and ensuring the success of the Geneva Conference.

I would like to draw the attention of the Council to the fact that an attack on Western Slavonia by the Republic of Croatia would, *inter alia*, directly violate the borders of the Federal Republic of Yugoslavia, a fact which should particularly be borne in mind in the context of provoking possible actions by the Federal Republic of Yugoslavia in the future. A peaceful and negotiated solution in the framework of the Geneva Conference continues to be a strong objective pursued by the Federal Republic of Yugoslavia of Yugoslavia and its Government.

We reiterate that prompt action by the Security Council under Chapter VII of the Charter of the United Nations is now, in view of the continuing aggression of the Republic of Croatia and its refusal to comply with resolution 802 (1993), more imperative than ever before. For all these reasons, we expect not only a fresh condemnation of the Republic of Croatia, but also specific measures to be taken by the Security Council to punish the previous and prevent any further aggression by Croatia. Unless, as a matter of urgency, measures are taken in this respect, the aggression by the Republic of Croatia will threaten to spread the flames of war to the entire Balkan region.

(*Signed*) Ilija DJUKIC

DOCUMENT S/25219

Letter dated 2 February 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*2 February 1993*]

The aggressor has in the last ten days engaged new forces from the Republic of Serbia against the Republic of Bosnia and Herzegovina. The aggressor has brought units (parts of the Uzice and Valjevo Corps) to the area of the middle Drina: Ljubovija-Bratunac, Bajina Basta - Skelani and Mali Zvornik-Zvornik. It is estimated that the aggressor has engaged 29 tanks, and in manpower, 3 to 4 infantry brigades with a total strength of about 7,000 soldiers. In the composition of these units there are also numerous artillery pieces, armoured transporters, and other means of support. The probable goal of the engagement of these forces is to further threaten and possibly occupy the free territory of Srebrenica, Bratunac and Zvornik, and to join with forces in the area of Sekovic and Vlasenica.

The engagement of such strong forces of the aggressor, directed at the poorly armed, hungry and sick population, points to the preparation and real danger of a new massacre of the Muslim and Croat population.

Furthermore, in the area of the Bosnian Posavina (Sava river valley) new forces of the aggressor are also being brought from the Republic of Serbia and the Bosnian Krajina (western Bosnia) with effective of about 100 tanks and 16,000 soldiers, who intend to take part in actions for the widening of the corridor which connects the Krajinas in Croatia and Bosnia and Herzegovina with Serbia. Towards that end in two to three days' time they plan to undertake more intense offensive actions against Orasje and Gradacac.

The renewed and intensified Serbian and Montenegrin aggression against the Republic of Bosnia and Herzegovina seriously undermines the Geneva political solution-seeking process, and raises legitimate doubts about the aggressor's sincerity in pursuing a settlement. The Government of the Republic of Bosnia and Herzegovina finds it quite difficult to continue political negotiations under the conditions outlined above, and implores the Security Council to take all necessary measures against the Government in Belgrade which is taking the new steps in gross violation of numerous Council resolutions.

May I request your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25220

Letter dated 2 February 1993 from the representative of Turkey to the President of the Security Council

[*Original: English*]
[*2 February 1993*]

In my capacity as the representative of the country that is the current Chairman of the Organization of the Islamic Conference (OIC), I have the honour to enclose herewith the text of the statement adopted by the group of countries members of the OIC in the United Nations on 1 February 1993 in connection with the Palestinian deportees.

I shall appreciate it if you would kindly have this statement circulated as a document of the Security Council.

(*Signed*) Mustafa AKSIN
Permanent Representative of Turkey
to the United Nations

TEXT OF THE STATEMENT

The members of the Organization of the Islamic Conference (OIC) met in New York on 1 February 1993 to consider the recent developments with regard to the grave and dangerous situation resulting from the illegal mass deportation, on 17 December 1992, by the Israeli Government of over 400 Palestinian civilians to Lebanon from the occupied Palestinian territory, including Jerusalem. The members recalled the final declaration, regarding the matter, of the meeting of the Bureau of the Sixth Islamic Summit Enlarged to the Chairmen of the Standing Committees, held at Dakar on 11 January 1993 [*S/25096*]. They also recalled the statement issued by the Committee on Palestine of the OIC, on 30 December 1992, on the same matter [*S/25043*].

The members expressed their appreciation to the Secretary-General of the United Nations for his forthright report, dated 25 January 1993 and submitted to the Security Council in accordance with resolution 799 (1992) [*S/25149*], especially his recommendation to the Council that it "should take whatever measures are required to ensure that its unanimous decision, as set out in resolution 799 (1992), is respected". The members stressed the importance of the Secretary-General's intention with regard to the establishment of a United Nations monitoring mechanism in the occupied territories, in accordance with resolution 681 (1990).

The members of OIC, while reiterating their strong condemnation of Israel for the deportations, which constitute a grave breach of the fourth Geneva Convention of 12 August 1949,[1] seriously violate the sovereignty of Lebanon as well as jeopardize the peace process currently under way, affirmed the absolute need for the Security Council to ensure respect for its decision and for Article 25 of the Charter of the United Nations through the adoption of a new resolution, under Chapter VII of the Charter, with specific sanctions against Israel, the occupying Power, with the aim of enforcing resolution 799 (1992). In this regard, the members expressed their support for the endeavours of the Group of Arab States and endorsed the draft resolution proposed by the Group on the issue.

The members of the OIC decided to remain seized of the matter and to participate effectively in the deliberations of the Security Council and to closely observe any developments in this regard.

DOCUMENT S/25221

Report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia

[*Original: English*]
[*2 February 1993*]

INTRODUCTION

1. Since my last report to the Security Council [*S/25100, annex*], a further round of the peace talks on Bosnia and Herzegovina was held at Geneva from 23 to 30 January 1993, in the framework of the International Conference on the Former Yugoslavia. The participants included the leaders from the three sides in Bosnia and Herzegovina, including President Alija Izetbegovic, Mr. Radovan Karadzic and Mr. Mate Boban, the President of the Republic of Croatia, Mr. Franjo Tudjman, and the President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Dobrica Cosic.

2. At the opening session of the latest round of the peace talks, and subsequently, the Co-Chairmen of the Steering Committee of the Conference faced an added complication, namely the resumption of hostilities within the Republic of Croatia. This development was reflected in some of the statements and replies made at the opening session. The Co-Chairmen maintained the momentum of the peace talks, while at the same time seeking to halt the fighting in Croatia, as well as fighting between Bosnian Government and Bosnian Croat forces in central Bosnia. They did this through personal appeals and through bilateral and trilateral meetings with the leaders directly concerned.

3. The peace talks, however, were inevitably adversely affected by events outside the Conference. These events demonstrated yet again the close interconnections of all developments in the former Yugoslavia and the necessity to find a comprehensive settlement for the entire range of problems assailing the former Yugoslav lands.

I. FRAMEWORK FOR THE PEACE TALKS

4. Efforts to bring peace to Bosnia and Herzegovina have proceeded throughout on the basis of the principles of the Charter of the United Nations, the relevant decisions of the Security Council and the principles adopted by the Conference at its London session in August 1992.

5. The fundamental objectives of the talks have been, and remain, that the conflict must be stopped and prevented from spreading, while human rights and fundamental freedoms are respected. This has been a principal goal of the Co-Chairmen, who have repeatedly condemned "ethnic cleansing" and have pledged their determination to bring about its reversal (see annex I). They have strongly supported efforts to provide humanitarian relief and assistance to victims of the conflict. They have also urged the establishment of an international criminal court to try persons accused of crimes against humanity in connection with the armed conflict in the former Yugoslavia.

6. The Co-Chairmen continue to believe that the strict application of sanctions and respect for the arms embargo are crucial for the containment of the conflict and the restoration of peace. They firmly believe that a selective lifting of the arms embargo would not only prolong and deepen the war, but could lead to its spilling over to neighbouring countries. It was precisely with a view to preventing the spread of the conflict that they recommended a preventive deployment of United Nations peace-keeping forces in the former Yugoslav Republic of Macedonia.

7. The Co-Chairmen are resolute in their conviction that there is no realistic alternative to dealing with the conflict in Bosnia and Herzegovina other than through negotiations in good faith by all sides to reach a comprehensive settlement.

8. At the end of the previous round of the peace talks the position was that Mr. Boban had signed the agreement setting out the constitutional principles, the provincial map and the agreement on military and related issues. President Izetbegovic had accepted the constitutional principles and the agreement on military and related issues; he did not, however, accept the provincial map. Mr. Karadzic had not yet answered whether he would accept the constitutional principles but indicated that his response would be given later; he did not accept the provincial map and had some questions about the agreement on military and related issues.

II. CONSTITUTIONAL PRINCIPLES

9. On 23 January 1993, the Co-Chairmen recorded the clear position that all three Bosnian sides unconditionally accepted the constitutional principles [*see S/25100, appendix III*]. On 30 January, all three sides signed an agreement containing the constitutional principles (see annex II).

III. PROVINCIAL BOUNDARIES

10. In my report of 11 November 1992, I informed the Council that the Co-Chairmen were working on establishing provincial boundaries, taking into account the views of the three sides [*S/24795, para. 42*]. After several weeks of painstaking discussions, during which each side continued to insist on its own position, the Co-Chairmen came to the view that the most practical way of advancing the peace process would be for the Co-Chairmen to put forward a provincial map for Bosnia and Herzegovina. They did this on 2 January 1993. The map put forward by

the Co-Chairmen was set out in my report of 12 January 1993 [*S/25050, annex V, appendix*]. The Co-Chairmen assured the three sides that, if all of them could agree on any changes to the proposed map, such changes would be incorporated.

11. On 23 January the Co-Chairmen indicated that they were at the disposal of the three sides to assist them in any further discussions they might wish to have on the Co-Chairmen's map. Mr. Boban reiterated that he accepted the map and noted that he had already signed it. President Izetbegovic sought changes in the map. Mr. Karadzic also sought changes and suggested that the populations involved be consulted. The Co-Chairmen replied that, since there had been massive displacements of populations largely as a result of deliberate "ethnic cleansing" in Bosnia and Herzegovina, consultations with the populations involved could not be carried out fairly in the prevailing circumstances.

12. The Chairman of the Working Group on Bosnia and Herzegovina, Mr. Martti Ahtisaari, then had extensive discussions with the three Bosnian sides, during which he invited them to comment on the proposed provincial boundaries. In these discussions, Mr. Boban confirmed that he had accepted the boundaries proposed by the Co-Chairmen. President Izetbegovic reserved his position on the provincial boundaries until the central and provincial government structure is clarified. Mr. Karadzic sought to include more areas where Serbs lived into the three provinces with Serb majorities.

13. Following the foregoing discussions, the Co-Chairmen held individual, bilateral and trilateral meetings with the three sides in order to help to bridge their positions. After a series of individual, bilateral and trilateral meetings, the Co-Chairmen informed the three sides at a plenary meeting on 30 January that, in the light of the discussions that had taken place, they had come to the conclusion that the provincial map they had submitted earlier should be maintained. They then invited the three sides to sign that map (see annex III).

14. Mr. Boban reconfirmed his acceptance of the map submitted by the Co-Chairmen and signed it. President Izetbegovic stated that he could not accept the map because, in his view, it had the effect of rewarding the "ethnic cleansing" that had taken place as it would leave military forces in areas from which populations had forcibly been removed and to which they could not return unless such forces were removed. Mr. Karadzic stated that large parts of the map were acceptable and that he could accept it formally if it was understood that the populations in certain areas would be democratically consulted. The Co-Chairmen ruled that that condition was tantamount to not accepting the map.

IV. MILITARY AND RELATED ISSUES

15. In my report of 6 January 1993 I informed the Council about the state of discussions on the agreement on military and related issues put to the three sides by the Co-Chairmen [*S/25050, annex VI*]. During the recently concluded session of the peace talks (23 to 30 January), discussions took place on a few provisions of the agreement. Clarifications were provided by the Co-Chairmen and a few minor textual modifications were made.

16. On 30 January the Co-Chairmen invited the three sides to sign this agreement (see annex IV). Mr. Boban and Mr. Karadzic signed it. Notwithstanding his earlier acceptance [*S/25100, annex, para. 5*] President Izetbegovic stated that he would not sign the agreement because he felt that the arrangements on the control of heavy weapons were not strong enough. The Co-Chairmen invited him to consult with the United Nations Protection Force (UNPROFOR) Commander to obtain clarifications that the Co-Chairmen felt would meet his concern and enable him to sign the agreement.

V. INTERIM INSTITUTIONAL ARRANGEMENTS

17. During the latest round of the peace talks (23 to 30 January), the Co-Chairmen, in response to a suggestion, also took up the issue of interim arrangements for governing both Bosnia and Herzegovina as a whole and also each of the provinces during a transitional period.

18. An initial round of discussions on the interim institutional arrangements was held between the Bosnian Croat and the Bosnian Government sides, concerning the six provinces in which the Croats or the Muslims would constitute the majority or plurality populations, namely Mostar, Bihac, Zenica, Tuzla, Posavina and Travnik. It was agreed between them that the Governors of Bihac, Zenica and Tuzla would be Muslims while the Governors of Mostar, Posavina and Travnik would be Croats. The two sides indicated they were prepared to approve an arrangement along those lines.

19. In the light of their subsequent discussions with the three sides, the Co-Chairmen submitted to them on 29 January a working paper entitled "Interim arrangements for Bosnia and Herzegovina" (annex V). The three sides were invited to submit any comments they might wish to make on the working paper.

VI. POSITION OF THE EUROPEAN COMMUNITY

20. On 1 February 1993, the European Community issued the following declaration:

> "The European Community and its member States express their full and unequivocal support for the comprehensive plan for a peaceful settlement in Bosnia and Herzegovina, put forward by the International Conference on the Former Yugoslavia, in accordance with the commitments reached at the London Conference.
>
> "The peace plan and the draft interim arrangements for governing the Republic of Bosnia and Herzegovina until free and fair elections will take place, represent a coherent and comprehensive settlement, taking into account the legitimate interests of the three constituent communities of that Republic.
>
> "The European Community and its member States strongly urge all three parties of Bosnia and Herzegovina to accept the peace plan and the draft interim arrangements. The parties must also fully cooperate in implementing them.
>
> "The European Community and its member States call upon the Security Council of the United Nations to give its full support to this plan and its implementation. The European Community and its member States are prepared to contribute actively to this end.
>
> "The European Community and its member States reiterate their full support for the sovereignty, territorial integrity and multi-ethnic character of the Republic of Bosnia and Herzegovina. They will continue their efforts to help the Republic to recover from the present tragedy."

VII. OBSERVATIONS

21. I endorse the agreements put forward by the Co-Chairmen, which constitute a just and viable settlement for all sides.

22. The Co-Chairmen have stated that they intend to continue their negotiations with the parties. I will report to the Security Council on further developments.

ANNEX I

International Conference on the Former Yugoslavia

The Co-Chairmen of the Steering Committee and human rights issues in the former Yugoslavia

I. HUMAN RIGHTS AS A CORE ELEMENT OF THE PEACEMAKING STRATEGY

1. From the outset of their chairmanship of the Steering Committee of the International Conference on the Former Yugoslavia, the Co-Chairmen, Cyrus Vance and Lord Owen, have placed human rights and humanitarian issues at the core of the peacemaking process in the former Yugoslavia. At a press conference on 23 October 1992, the Co-Chairmen insisted that the international community would not tolerate the taking of territory by force, nor acquiesce in "ethnic cleansing". Responding to reports that Bosnia and Herzegovina had in fact been carved up by Serbian and Croatian forces, the Co-Chairmen said that the status quo on the ground was not acceptable and that international recognition and lifting of sanctions would not take place until a political solution had been found.

2. "This is not going to be settled by people who have taken up arms, and have abandoned humanitarian principles, and trampled on international law", Lord Owen told the assembled correspondents. "We do not accept this status quo as permanent", he added, "and we intend to see that it is changed". Mr. Vance agreed, saying "That is the way that we will act, that is what we expect to happen, and we will not be turned back in our determination to see that happen."

3. On 13 November 1992, Mr. Vance said to the Security Council:

> "You have called for a political settlement consistent with the principles of the Charter and of international norms on human rights. You have rightly condemned forcible expulsions, illegal detentions, and all attempts to change the demographic composition of territories.
>
> ...
>
> "I mention these statements of principle in order to emphasize a simple but crucial point: the international community cannot accept non-compliance with these guidelines.
>
> "As Co-Chairmen of the Steering Committee, our mandate requires that we maintain lines of communication with all sides while preserving our neutrality and independence. Other United Nations bodies are looking into violations of human rights and humanitarian law. We are cooperating with them and will continue to do so. I do, however, want to underscore my firm conviction that there can be no compromise when it comes to respect for the principles of the Charter, and of the international norms of human rights and humanitarian law." [*3134th meeting*.]

4. Lord Owen told the Security Council on the same day:

> "How can we as Co-Chairmen and you as members of the Council implement the principles and objectives agreed at the London Conference at the end of August?
>
> "European history is, sadly, no stranger to conflict or to ethnic disputes. Memories of the Holocaust are still with us. The odious practice of 'ethnic cleansing' that we are witnessing in the former Yugoslavia is not something therefore which any European can ignore, merely passing by on the other side.
>
> "Europe knows that, were this flagrant 'ethnic cleansing' to be tolerated, were all its perpetrators to be allowed to escape without being brought to justice, and were its victims not to be helped to return to their homes and land, then we Europeans would pay a terrible price." [*ibid*.]

II. PRISONERS AND DETAINEES

5. The Co-Chairmen have worked closely with the International Committee of the Red Cross (ICRC) to secure the release of prisoners and detainees in the former Yugoslavia. They have used every occasion to highlight the plight of prisoners and detainees in their contacts with Governments and with the parties, in their public statements and in the reports submitted to the Security Council and the General Assembly. At the commencement of the peace talks on Bosnia and Herzegovina on 2 January 1993, the Co-Chairmen made the following appeal to the parties to the conflict:

> "... Your immediate release of all detainees is essential. It would not only be an indication of your peaceful intentions, but could also help to stop the drums of war, which are beating so loudly around us as we meet here today." [*see S/25050, annex II*]

6. They arranged for the distribution of an appeal by ICRC for the release of prisoners and detainees [*ibid., annex IV*].

III. WAR CRIMES

7. On the issue of grave breaches of humanitarian law, the Co-Chairmen have been in frequent contact with the Chairman of the Commission of Experts established by the Secretary-General to examine information pertaining to these breaches. Working-level contacts have also been maintained between the Co-Chairmen's staff and the staff of the Commission of Experts.

8. The Co-Chairmen conducted meetings with the Commission of Experts, the Secretary-General and the Special Rapporteur of the Commission on Human Rights to help to bring about a forensic examination of the mass grave site at Ovcara in Croatia. The Co-Chairmen's efforts helped to bring about a decision by the Commission of Experts to arrange for a prompt forensic examination of the mass grave site. In a public statement on 17 December 1992 the Commission of Experts stated:

> "A major step taken by the Commission has been to request an NGO, 'Physicians for Human Rights', to investigate a mass grave near Vukovar taking into account calls made by ... the Co-Chairmen of the Conference on the Former Yugoslavia ..."

IV. INTERNATIONAL CRIMINAL COURT

9. The Co-Chairmen have repeatedly advocated the establishment of an international criminal court to deal with grave breaches of humanitarian law. On 16 December 1992, Mr. Vance stated to the Ministerial Meeting of the Steering Committee of the Conference:

> "Lord Owen and I believe that atrocities committed in the former Yugoslavia are unacceptable, and persons guilty of war crimes should be brought to justice. We, therefore, recommend the establishment of an international criminal court."

V. CONSTITUTIONAL ARRANGEMENTS

10. The Co-Chairmen have also placed human rights issues at the core of their proposals for the future constitutional framework of Bosnia and Herzegovina. They have proposed that the Constitution set out a number of human rights, grouped into three categories:

(*a*) General human, especially civil and political, rights as expressed in instruments such as the 1966 International Covenant on Civil and Political Rights and the Protocols thereto,[13] and in the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms[14] and the Protocols thereto;

(*b*) Group and especially "minority" rights, as expressed in instruments such as the 1992 Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities[3] and in Recommendation 1134 (1990) on the rights of minorities of the Parliamentary Assembly of the Council of Europe;

(*c*) Economic, social and cultural rights, as expressed in the 1966 International Covenant on Economic, Social and Cultural Rights[3] and in the 1961 European Social Charter[15] and the Protocol thereto.

11. To ensure the protection of human rights, the Co-Chairmen have proposed that:

(*a*) All persons in Bosnia and Herzegovina, whether citizens or not, will at all times have unimpeded access to the courts;

(*b*) Both the provincial and the national courts will be required to apply the constitutionally guaranteed human rights, as set out in the Constitution or in the international instruments incorporated therein by reference as directly applicable law;

(*c*) There will be four ombudsmen, one representing each of the recognized groups. These ombudsmen will have wide powers to investigate, either on the basis of complaints or on their own initiative, all questions relating to the implementation of human rights, including those arising out of "ethnic cleansing", and to report to the legislature and to other appropriate governmental bodies. Initially, the ombudsmen are to be appointed by the International Conference on the Former Yugoslavia, and later by the Lower House of the national legislature;

(*d*) There will be a Constitutional Court and a Human Rights Court;

(*e*) There is also to be an International Commission on Human Rights for Bosnia and Herzegovina. This Commission will be authorized to investigate and to hear complaints and to report thereon to the appropriate international bodies;

(*f*) Bosnia and Herzegovina will be required to become a party to a number of international human rights treaties that establish supervisory, monitoring and dispute-settlement mechanisms.

12. Addressing the Organization of the Islamic Conference on 1 December 1992, Lord Owen stated:

> "You have already seen in our proposals for a new constitution for Bosnia-Herzegovina that we are not prepared to accept that land can be taken by force by the Bosnian Serbs - land which far exceeds anything that they could justifiably claim in the past to have contained a majority of Serbs.
>
> "You will also have seen in those same constitutional proposals the toughest provision for enforcing human rights and interlocking mechanisms for the reversal of the odious practice of 'ethnic cleansing'.
>
> "I can assure you that the citizens of the European Community did not live through the trauma of the 1930s and 1940s without vowing to themselves that they would never again tolerate within Europe the vile things which we have seen practised in Bosnia and Herzegovina. We are determined, with your help, to end the practices and reverse the consequences."

13. The Co-Chairmen have cooperated closely with the Special Rapporteur of the United Nations Commission on Human Rights. The day after their arrival in Geneva, on 4 September 1992, they had an extensive meeting with the Special Rapporteur. They met with the Special Rapporteur again on 8 October. Working-level contacts have been maintained throughout by the Co-Chairmen's staff and the staff of the Special Rapporteur.

14. In a message which the Co-Chairmen sent to the Commission on Human Rights on 30 November they stated:

> "Regrettably the disgraceful practice of 'ethnic cleansing' has not ceased and violations of international norms on human rights and humanitarian law are rampant. We condemn these violations in the most categorical terms.
>
> "We hope that your session will help in bringing an end to the violations of human rights and humanitarian law taking place. We also hope that you will give attention to the important question of protecting the rights of minorities. This issue is of great importance to the future stability and security in the area of the former Yugoslavia."

15. The Co-Chairmen have used their influence to highlight the importance of human rights issues. They initiated contact with the Council of Europe immediately after they started operations, so as to draw upon the expertise and assistance of the human rights machinery of the Council of Europe. Addressing the Council on 3 October 1992, Lord Owen made the following proposal:

> "Let me put one practical suggestion to this body.
>
> ".
>
> "A non-member State could subscribe to the Council of Europe ad hoc mechanism by means of a unilateral declaration which would then be in its Constitution, but which would have to be accepted by the Committee of Ministers of the Council of Europe. The mechanism could consist of a body which would be set up for a transitional period pending the accession of the subscribing State to the Council of Europe fully and to the European Convention on Human Rights. The body might be composed of judges of the European Court of Human Rights, members of the European Commission on Human Rights and persons from the subscribing States. The body could receive communications from any subscribing State, individual, group of individuals or non-governmental organizations alleging violations of human rights in a subscribing State. The body would be able to examine the admissibility and merits of the allegations received. It could make findings of fact and state its opinion, in the first place by reference to the European Convention on Human Rights and the case-law developing under it, but also by reference to other international human rights treaties and agreements to which the subscribing State was already a contracting party - for example, United Nations covenants - and other legal instruments relating to human rights. The opinion of the body could be made binding on the subscribing State. I hope that they would not choose it to be only an advisory opinion but that they would entrench this body in their Constitution until such time as they are able to become members of the Council of Europe."

16. As a result of an initiative by the Co-Chairmen, the Human Rights Committee (established by the International Covenant on Civil and Political Rights) requested reports from the Federal Republic of Yugoslavia (Serbia and Montenegro), Bosnia and Herzegovina and Croatia on human rights matters of international concern. The Human Rights Committee undertook searching examinations of the human rights situations in these countries from 3 to 6 November 1992 and made important recommendations to the three States.

17. The Co-Chairmen have on a number of occasions reacted to urgent humanitarian situations. On 24 September 1992, they issued a public statement expressing their deep concern about reports they had received from the Banja Luka region indicating a build-up of tension, bomb incidents and intimidation with the potential threat of violence and the development of an "ethnic-cleansing" campaign. In view of the urgency of the situation, the Co-Chairmen travelled to Banja Luka the following day to assess the situation on the ground and to speak to representatives of the local communities and humanitarian agencies.

18. The Co-Chairmen have continually emphasized the importance and urgency of humanitarian relief and protection. Addressing the Security Council on 13 November 1992, Mr. Vance stated:

> "... On humanitarian aid, countless thousands of lives depend on our help and, despite the increasing pressure placed upon the UNHCR and the International Committee of the Red Cross (ICRC), we cannot afford to slacken our efforts. To this end, the international community must insist on unhindered access to persons who need humanitarian aid, especially food, medical supplies and shelter - particularly in view of the approaching winter. The release of prisoners and detainees, particularly from Bosnia and Herzegovina, now depends primarily on providing immediately refuge for them abroad." [*3134th meeting*.]

19. Addressing a special meeting of the Humanitarian Issues Working Group on 4 December Mr. Vance also stated:

> "What we are faced with in former Yugoslavia is a situation that challenges [*international standards of conduct for the protection of human rights*] ... internally as well as externally. Internally, the vile practice of 'ethnic cleansing' has led to terrible human loss and suffering. The rule of law and the reign of principle have been replaced by disgraceful forms of behaviour. Externally, notwithstanding the generosity of many countries and organizations, basic principles have come under stress, including the principles of non-refoulement of refugees, and of solidarity with human beings in distress."

ANNEX II

Agreement relating to Bosnia and Herzegovina

THE UNDERSIGNED,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities,[3]

Recalling the Statement of Principles and the statement on Bosnia adopted by the International Conference on the Former Yugoslavia at its session in London and the Programme of Action on Humanitarian Issues agreed to at that session,

Considering the decisions of the United Nations Security Council relating to the former Yugoslavia,

Reaffirming their commitment to peace and security among the successor States to the former Yugoslavia,

Hereby agree as follows:

I. *Constitutional framework for Bosnia and Herzegovina*

Tripartite negotiations shall proceed on a continuous basis in Geneva, under the auspices of the International Conference on the Former Yugoslavia, in order to finalize a Constitution for Bosnia and Herzegovina in accordance with the following principles:

(1) Bosnia and Herzegovina shall be a decentralized State, the Constitution shall recognize three constituent peoples, as well as a group of others, with most governmental functions carried out by its provinces;

(2) The provinces shall not have any international legal personality and may not enter into agreements with foreign States or with international organizations;

(3) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways;

(4) All matters of vital concern to any of the constituent peoples shall be regulated in the Constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group;

(5) The provinces and the central Government shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The Presidency shall be composed of three elected representatives each of the three constituent peoples. The initial elections are to be held under United Nations/European Community/Conference on Security and Cooperation in Europe supervision;

(6) A Constitutional Court, with a member from each group and a majority of non-Bosnian members initially appointed by the International Conference on the Former Yugoslavia, shall resolve disputes between the central Government and any province, and among organs of the former;

(7) Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision;

(8) The highest level of internationally recognized human rights shall be provided for in the Constitution, which shall also provide for the ensurance of implementation through both domestic and international mechanisms;

(9) A number of international monitoring or control devices shall be provided for in the Constitution, to remain in place at least until the three constituent peoples by consensus agree to dispense with them.

II. *Cooperation in respect of humanitarian efforts*

1. Maximum cooperation shall be extended to the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the United Nations Protection Force, the European Community Monitoring Mission and other humanitarian organizations working to provide assistance to refugees and displaced persons.

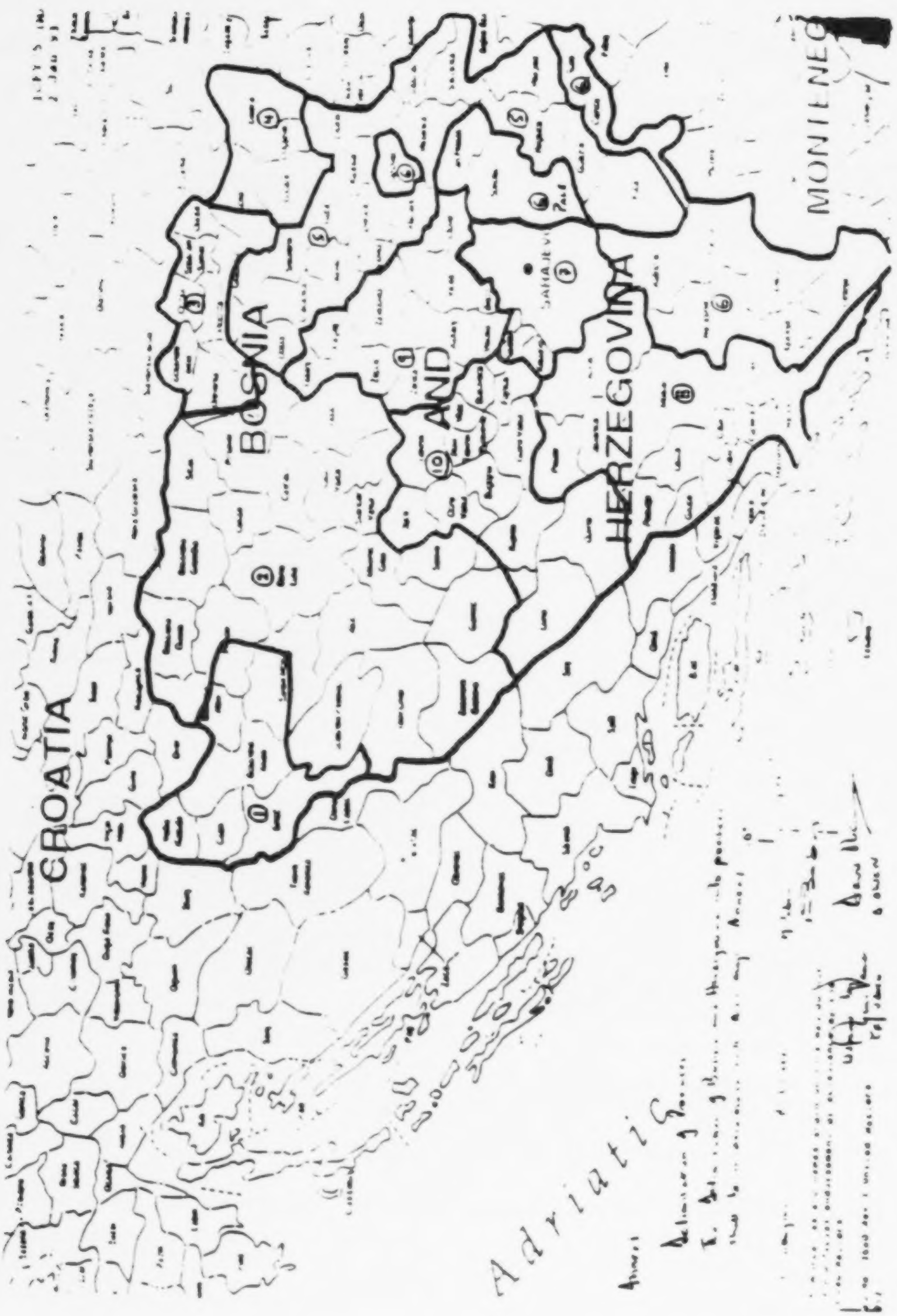
2. Full cooperation shall also be extended to the High Commissioner for Refugees in drawing up and implementing programmes for the return of refugees and displaced persons to their homes.

(*Signed*) A. IZETBEGOVIC (*Signed*) R. KARADZIC (*Signed*) M. BOBAN

Witnessed by:

(*Signed*) C. R. VANCE (*Signed*) D. OWEN

Geneva, 30th day of January 1993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ANNEX IV

Agreement for peace in Bosnia and Herzegovina

THE UNDERSIGNED,

Welcoming the invitation of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to participate in talks for the restoration of peace in Bosnia and Herzegovina,

Taking account of the constructive atmosphere of the peace talks held in Geneva from 2 to 5 January 1993 and the assistance of the Force Commander of the United Nations Protection Force, Lieutenant-General Satish Nambiar,

Keeping in mind the principles of the International Conference and the resolutions of the United Nations Security Council, in particular resolutions 752 (1992) and 787 (1992) pertaining to withdrawal of all outside forces from Bosnia and Herzegovina,

Wishing to bring the conflict in Bosnia and Herzegovina to an end without any further delay and to re-establish peace throughout the country,

Desiring to work out arrangements for bringing about compliance with a cessation of hostilities, and for monitoring it so as to ensure that it is effective and lasting,

Hereby agree on the following:

1. Measures for the achievement of an unconditional cessation of hostilities throughout Bosnia and Herzegovina, as set out in annex I to the present agreement;
2. Measures for the restoration of infrastructure in Bosnia and Herzegovina, as set out in annex II to the present agreement;
3. Measures on the opening of routes, as set out in annex III to the present agreement;
4. Arrangements on the separation of forces, as set out in annex IV to the present agreement;
5. Measures for the demilitarization of Sarajevo, as set out in annex V to the present agreement;
6. Measures for the monitoring of the borders of Bosnia and Herzegovina, as set out in annex VI to the present agreement;
7. Return of forces to designated provinces, as set out in annex VII to the present agreement.

A. IZETBEGOVIC (*Signed*) R. KARADZIC (*Signed*) M. BOBAN

Witnessed by:

(*Signed*) C. VANCE (*Signed*) D. OWEN

Geneva, 30th day of January 1993

[*Annex I*]

Cessation of hostilities

BROAD PRINCIPLES

All parties agree to support the broad principles required to support a cessation of hostilities. These broad principles will be translated into concrete action through additional discussion within the Mixed Military Working Group. Several of the principles will be dealt with on a stand-alone basis, although they remain an integral part of the overall framework of the cessation of hostilities.

The broad principles are:

A cease-fire must be put in place and remain effective. This is to be implemented 72 hours from midnight (New York time - EST) of the day on which the Security Council endorses this plan.

Monitoring and control measures are to be put in place to ensure compliance and should include as a minimum:

- Links between Commanders in conflict areas (hot lines);
- Provision of United Nations Protection Force/European Community Monitoring Mission liaison and monitors;
- Establishment of joint crisis management teams;
- Opening of confrontation line crossing-points. For use by the United Nations Protection Force and monitoring agencies.

The separation of forces is to be achieved.

Routes supporting the general freedom of movement of people, commerce and humanitarian aid are to be opened.

The restoration of infrastructure will proceed as a priority. Restoration will not be linked to any negotiations.

ESSENTIAL ELEMENTS

- Security Council endorses the plan - initiates all follow-on action (D-3). The 72 hours permit passage of information;
- Cessation of hostilities (D-Day);
- Declaration of forces - this is to take place on D-1 and should include:
    - Numbers and locations of all heavy weapons;
    - Detailed documentation of minefields;
    - Location of front lines (traces);
    - Defensive works and positions;
- Establish demarcation line (joint activity);
- Move in United Nations Protection Force forces to establish security (commencing D+1):
    - Monitor lines of conflict;
    - Monitor heavy weapons;
    - Establish reporting system (all parties);
- Withdrawal of heavy weapons:
    - Of calibre 12.7 mm and above, 5 days for Sarajevo and 15 days for remaining areas;
    - Locations to be determined based on effective ranges of weapon systems;
    - All such withdrawals to be supervised by the United Nations Protection Force and subsequently monitored at the designated locations by the United Nations Protection Force in order to prevent their use;

Separation of forces:

- Abandon defensive works on confrontation line.
- Area of separation to be agreed;
- Distance in which no forces, except police, to be allowed;
- Distance within which no defensive works to be manned.

The separation of forces and withdrawal of heavy weapons are linked.

The Mixed Military Commission is established to deal with any clarifications and breaches of the cessation of hostilities.

[*Annex II*]

Restoration of infrastructure

All parties agree that denial or use of civil utilities as a weapon of war is unacceptable, and all affirm their commitment to the full restoration of the civil infrastructure across Bosnia and Herzegovina, and in particular, Sarajevo.

The provision of humanitarian aid cannot be linked in any way with the military steps of the process of demilitarization or cessation of hostilities. Being humanitarian in nature, its priority is strictly governed by the ability of all three parties to support its implementation.

Restoration will be the first priority. Therefore, immediate efforts must be placed on the restoration of infrastructure. This is equally applicable to the city of Sarajevo as well as the rest of Bosnia and Herzegovina. It includes where applicable:

Power grids
Power stations
Bridges
Gas
Telecommunications
Railway lines
Routes
Water supply

Guarantees of security will be requested and must be provided and the restoration of power/water/heat will be fully supported by the warring parties.

A joint committee is already in place in Sarajevo; the work of this committee is to be facilitated with immediate effect to enable early restoration of utilities in Sarajevo.

Assistance will be provided through all the appropriate agencies, including United Nations and civilian expertise. However, within Bosnia and Herzegovina, a joint commission composed of representatives of all sides is to identify the priorities, define the needs and execute the work in conjunction with civil authorities. To this end, vital installations will be identified in conjunction with the Bosnia and Herzegovina joint commission.

- Access will be guaranteed after local arrangements are made;
- Forces will be withdrawn from sites consistent with security;
- Warring parties will provide, when necessary, liaison for the repair teams;
- Civil agencies/workers will be assisted.

Parties will work to re-establish infrastructure, including railways/power grids/water supplies, across borders with neighbouring republics.

Respect for infrastructure facilities must be developed and they must remain free from attack or use as defensive positions.

All parties agree to develop a common instruction for passage down chains of command to demonstrate an equal endorsement of support.

[*Annex III*]

Opening of routes

The opening of routes is directly related to the political issue which concerns the freedom of movement of all people in the context of constitutional principles. It is equally applicable to Sarajevo as well as all other areas of Bosnia and Herzegovina.

It is to be achieved through:

- Security guarantees by all parties to ensure non-interference and protection of personnel and material using the routes;
- Non-interference on the route;
- Checkpoints, patrols, and monitoring by United Nations Protection Force/European Community Monitoring Mission, as appropriate;
- Supervised inspection at entry points;
- Freedom of passage of humanitarian aid;
- Absolute freedom of movement of United Nations forces.

The concept of "blue routes" for Sarajevo is appended hereto. This format is applicable for the establishment of all other similar types of routes within Bosnia and Herzegovina. Additional routes can be negotiated under the aegis of the Mixed Military Working Group.

Appendix

Sarajevo "blue route" concept

The parties have decided to establish three free passage routes with mutually agreed measures to guarantee and ensure safe passage for freedom of movement of civilians, commercial goods and humanitarian aid to and from Sarajevo.

These routes are:

- Sarajevo-Zenica-Sarajevo;
- Sarajevo-Mostar-Sarajevo;
- Sarajevo-Zvornik-Sarajevo.

Outline plan for "blue routes"

1. *Execution*

1.1 *Prerequisites*

The following are the prerequisites:

1.1.1 Cessation of hostilities.

1.1.2 Complete freedom of movement for UNPROFOR forces on the three "blue routes".

1.2 *Use of the "blue routes"*

1.2.1 *Timings*

Routes will be open during daylight hours for convoys. United Nations Protection Force forces will use the routes 24 hours each day.

1.2.2 *Access for civilians*

All civilians, regardless of sex, age, or ethnic origin, and without weapons or ammunition, will be allowed to use the routes. Private and commercial vehicles will also be permitted on each route subject to inspection outlined in paragraph 1.5.1 below.

1.2.3 *Access for humanitarian aid*

All international and local humanitarian aid agencies will be allowed to use the routes. Humanitarian aid includes, but is not limited to, food, water, medical supplies and fuel.

1.2.4 *Access for commercial goods*

Normal commerce will be progressively restored to and from Sarajevo.

1.3 *Establishment of routes*

1.3.1 *Sarajevo-Zenica-Sarajevo*

This route incorporates Sarajevo-Rajlovac-Ilijas-Visoko-Zenica.

1.3.2 *Sarajevo-Mostar-Sarajevo*

This route incorporates Sarajevo-Ilidza-Hadzici-Tarcin-Jablanica-Mostar.

1.3.3 *Sarajevo-Zvornik-Sarajevo*

This route incorporates Sarajevo-Bentbasa-Mokro-Sokolac-Vlasenica-Zvornik.

1.4 *Checkpoints*

Checkpoints will be established and manned by UNPROFOR forces at the entrance and exit of each route and at the point a which a line of confrontation is crossed. Each UNPROFOR checkpoint will be located near or with the checkpoint of the force controlling the territory involved consistent with the security requirements of the factions. No side will be permitted to erect a new checkpoint.

1.5 *Control measures*

1.5.1 *Inspection procedures*

(*a*) Inspections will be conducted by UNPROFOR forces. Each side is permitted to monitor the events in close coordination with UNPROFOR;

(*b*) War-related material, weapons or ammunition are forbidden. If found, the items will be confiscated and subsequently destroyed under control of UNPROFOR and the parties;

(*c*) Humanitarian aid convoys may be subjected to inspections;

(*d*) Checkpoints will be activated only during daylight hours as a safety measure for civilians and convoys.

1.5.2 *Escorts*

(*a*) Each convoy will be escorted with the appropriate UNPROFOR vehicles;

(*b*) Convoys and escorts will take priority over military activities;

(*c*) The army controlling the territory involved may provide civilian police as an additional means of security.

1.5.3 *Patrols*

(*a*) UNPROFOR forces will patrol the "blue routes" as necessary;

(*b*) Patrols will consist of at least two vehicles suitably equipped and will contain an appropriate communications net;

(*c*) All UNPROFOR patrols will be permitted to cross all checkpoints.

1.6 *Implementation*

1.6.1 *Suggested time-frame*

D-3 - Security Council endorses the plan.

D+1 - Erecting checkpoints:

- Inspection procedures agreed
- Routes cleared of all obstacles
- Repairs carried out as required
- Reconnoitre by UNPROFOR

D+5 - Opening of "blue routes" for civilians and humanitarian aid.

[*Annex IV*]

Separation of forces

The parties agree that the separation of forces is an element of the overall cessation of hostilities. An agreement will be based on the steps and control measures and sequence of events outlined below:

STEPS

The concrete steps envisaged in the process include

- An absolute cease-fire;
- Temporary freezing of the military situation, pending agreement on return of forces to designated provinces;
- No forward deployments or offensive action;
- No forward movement of additional forces, explosives and weapons will be permitted. Rotation on an individual basis is acceptable;
- Withdrawal of heavy weapons (direct and indirect fire) of all parties from areas of confrontation to areas out of range, decided upon by the parties in conjunction with UNPROFOR;
- Physical separation of forces in contact;
- Security and monitoring of the demilitarized zone.

CONTROL MEASURES

The control measures required include

- Declaration of forces in being, including location of minefields;
- Monitoring of front lines;
- Declaration of heavy weapons in separation areas;
- Establishing agreed lines on which forces may be located;
- Staged withdrawal of forces culminating in their relocation to designated provinces.

SEQUENCE OF EVENTS

- Cease-fire under aegis of the overall cessation of hostilities;
- Establishment and patrol of the demarcation line by UNPROFOR personnel;
- Withdrawal of designated weapons systems of all parties;
- Search and clearance of the affected area by joint patrols;
- Conduct of joint and United Nations-only patrols within the area, composition of the patrols to be negotiated at the Mixed Military Working Group.

UNPROFOR CONCEPT FOR HEAVY WEAPONS CONTROL

- All heavy weapons 12.7 mm calibre and above are included;
- These weapons will be withdrawn out of effective range to areas decided between UNPROFOR and the parties;
- The withdrawal will be monitored by UNPROFOR;
- Once in location the weapons will be monitored to ensure that they are not used;
- UNPROFOR will not physically take over the weapons;
- Where terrain such as towns preclude moving weapons out of range, they will be gathered in agreed locations under UNPROFOR control to ensure that they are not used.

[*Annex V*]

Demilitarization of Sarajevo

The demilitarization of Sarajevo is based on one requirement: an effective cessation of hostilities.

The other elements are

- Establishment of control on a designated line;
- Restoration of civil utilities;
- Land routes and freedom of movement;
- Separation of forces along lines of confrontation.

Control measures include

- Patrol and monitoring of the demarcation line;
- Checkpoints at major crossings until confidence is restored;
- Mixed patrols in the demilitarized zone.

A military/civil joint commission as previously proposed should oversee the implementation of the accord.

Appended hereto is a draft agreement covering the first stage of a potential agreement on the demilitarization of Sarajevo. This stage covers the airport area as already discussed at the Mixed Military Working Group.

Appendix

Proposed agreement on the first stage of demilitarization of Sarajevo

The authorized representatives of all three conflicting sides in the presence of the UNPROFOR representative agree on the implementation of an area of separation in the western and southern districts of Sarajevo.

Cessation of hostilities

The cessation of hostilities will be implemented as follows:

(*a*) The freezing of the military situation on the existing lines;

(*b*) No offensive action allowed;

(*c*) No forward redeployments;

(*d*) All heavy weapons will be withdrawn from positions from which they can engage;

(*e*) No movement of any additional forces although rotation of personnel on a one-for-one basis shall be permitted;

(*f*) No movement or resupply of ammunition, explosives or incendiary devices.

Freedom of movement for all civilians

The agreement on "blue routes" will re-establish the freedom of movement of all civilians in support of this plan.

Restoration of civil utilities

A joint commission composed of representatives from each side will identify priorities, define needs and execute the implementation of civil utilities. Details can be found in annex II above, concerning the restoration of infrastructure.

Removal of heavy weapons

(*a*) *Area* - All heavy weapons will be withdrawn to designated locations from the following: Mojmilo, Dobrinja, Lukavica, Gornji, Kotorac, Vojkovici, Hrasnica, Sokolovici, Butmir, Ilidza, Otes, Stup, Nedarici.

(*b*) *Joint commission* - A joint commission will be created.

(1) The mission of the joint commission will be to execute and implement details of this plan and subsequent phases;

(2) The joint commission will be composed of:

a. An UNPROFOR command and support element;

b. A team of each side commanded by an officer senior enough to make decisions and designated as the authorized commander for the troops in the area affected;

c. A joint communications system which includes a command net and the necessary guaranteed communications link to each individual headquarters.

(*c*) *Time-frame* - From each district the withdrawal of heavy weapons from the designated area will be carried out in two stages within a period of five days.

(1) Stage 1 - Withdrawal of all direct fire weapons of 12.7 mm calibre and above (tanks, armoured personnel carriers, anti-tank, anti-aircraft and heavy machine-guns);

(2) Stage 2 - Withdrawal of all heavy indirect fire weapons (mortars, field artillery).

(*d*) *Control measures* - The following implementation and control measures will be used:

(1) UNPROFOR forces will patrol the area of separation between the conflicting sides;

(2) UNPROFOR forces will be deployed on the confrontation lines and on agreed mixed checkpoints proposed by the joint commission;

(3) All parties are to identify weapons by type and locations and will provide UNPROFOR with detailed maps of areas considered to be under their respective control;

(4) Complete freedom of movement for all UNPROFOR personnel and vehicles within the affected areas;

(5) The joint commission will establish mixed patrols as appropriate.

[Annex VI]

Monitoring of borders

Pursuant to United Nations Security Council resolution 787 (1992), paragraph 5, to prevent interference from outside the Republic of Bosnia and Herzegovina, the United Nations Protection Force/European Community Monitoring Mission will monitor borders with neighbouring republics.

Principles

United Nations Protection Force/European Community Monitoring Mission forces will monitor crossings to prevent weapons, munitions, military personnel or irregular forces from entering the country.

Borders with adjoining republics will be monitored.

UNPROFOR actions to observe, search and report will be facilitated by the authorities of the Republic of Croatia and the Federal Republic of Yugoslavia.

[Annex VII]

Return of forces to designated provinces

To enable the process of return to normalcy, and as a direct follow-on from the cessation of hostilities and the separation of forces, a return of forces to designated provinces will be conducted. This can start as part of the withdrawal of heavy weapons but, given the winter weather conditions, it is hard to fix a definite date for the completion of this process. We should however aim to achieve the return of forces within 45 days.

This stage will be coordinated with an agreed demobilization of forces in being.

The United Nations Protection Force/European Community Monitoring Mission will monitor the withdrawal of these forces in conjunction with national and provincial authorities.

The Mixed Military Working Group will be the technical negotiating agency.

ANNEX V

Interim arrangements for Bosnia and Herzegovina

INTRODUCTION

In 1990, the Bosnian Parliament adopted amendment LXXIII to the Constitution of the Republic of Bosnia and Herzegovina. Following the outbreak of hostilities in 1992, this provision of the Constitution was invoked and the Presidency was expanded from 7 to 10 members with the inclusion of the Prime Minister, the President of the Assembly and the Commander-in-Chief of the Armed Forces. The powers of the Parliament were transferred to the Presidency.

Following the signing of the peace agreements and their endorsement by the United Nations Security Council, it is proposed that each of the three parties represented at the Conference nominate three representatives to serve in an interim central Government. The confirmation of these nine representatives will be subject to the approval of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. Once the composition of the interim central Government has been confirmed, it is proposed that the Presidency, acting in accordance with its powers under amendment LXXIII, will transfer its powers and authority to this interim central Government.

Those aspects of the existing Constitution which relate to the Presidency will then be suspended. To the extent practicable, the other provisions of the existing Constitution of Bosnia and Herzegovina will continue to apply, in particular those provisions relating to the courts and legal system.

During the interim period, which is defined as the period between the transfer of authority to the interim central Government and the holding of free and fair elections, a new Constitution for Bosnia and Herzegovina will be drafted by the parties with the assistance of the Co-Chairmen and will be the basis upon which the elections will take place.

In each province, there will be an interim provincial Government composed of a Governor, Vice-Governor and 10 other members.

Throughout the interim period, *opstina* authorities will retain their existing powers. The *opstina* boundaries will remain as at present except where they are crossed by provincial boundaries or where the boundaries have been changed by agreement under the auspices of the International Conference on the Former Yugoslavia.

This document contains proposals for the functioning of an International Access Authority, the National Power Authority, the National Bank, the Post, Telegraph and Telecommunications Authority of Bosnia and Herzegovina and an independent National Civil Aviation Authority.

I. INTERIM CENTRAL GOVERNMENT

A. In the interim period, there will be a nine-member interim central Government.

1. Three representatives will be nominated by each of the parties. These nominations will then be confirmed by the Co-Chairmen;

2. The interim central Government will take decisions by consensus. In the event that a decision cannot be reached by the interim central Government, the issue will be referred to the Co-Chairmen for their urgent consideration;

3. The interim central Government will be located in Sarajevo, within that *opstina* designated as the capital. In addition to its national responsibilities, the interim central Government will administer the capital and have responsibility for its policing;

4. The position of President of the interim central Government will rotate every four months among the representatives of the parties. The President of the interim central Government will perform the role of head of State.

B. The principal responsibilities of the interim central Government will be as follows:

1. Preparations for the holding of free and fair elections, on the basis of the new Constitution, under international supervision;

2. Relations with the Mixed Military Working Group, UNPROFOR (including the United Nations Civilian Police), the European Community Monitoring Mission and the International Conference on the Former Yugoslavia;

3. Coordination with the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the World Health Organization and other relevant agencies on the return and rehabilitation of refugees and displaced persons;

4. Foreign Affairs (including membership in international organizations);

5. International commerce (customs duties, quotas);

6. Citizenship;

7. Raising of any taxes required to carry out its functions.

C. The interim central Government will be responsible for appointing ministers and determining the role of such ministries as are deemed appropriate.

D. The Co-Chairmen will be involved with the parties in the preparation of the Constitution for Bosnia and Herzegovina and will also be available to assist the interim central Government in its work.

II. INTERIM PROVINCIAL GOVERNMENTS

A. During the interim period, each province will have an interim provincial government composed of a Governor, a Vice-Governor and 10 other members. The Governor, the Vice-Governor and the 10 other members of the interim provincial government will be nominated by the parties on the basis of the composition of the population of the province (the 1991 census will be used to determine the relative percentages), provided that none of the three constituent peoples will be left unrepresented in any province. The interim provincial governments will be composed as in annex A.

B. Decisions will normally be taken by a simple majority, except that the adoption of the provincial constitution and the setting of *opstina* boundaries will be taken by consensus.

C. The principal functions of the interim provincial governments will be:

1. The drafting of provincial constitutions in accordance with the new Constitution of Bosnia and Herzegovina;

2. The preparation of free and fair elections, which should be held as soon as possible, on the basis of proportional representation and under international supervision;

3. Relations with the Mixed Military Working Group, UNPROFOR (including the United Nations Civilian Police), the European Community Monitoring Mission and the International Conference on the Former Yugoslavia;

4. Coordination with the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the World Health Organization and other relevant agencies on the return and rehabilitation of refugees and displaced persons;

5. Supervision of Police Force;

6. Restoration of infrastructure;

7. Raising of any taxes necessary to carry out their functions.

D. There will be attached to the staff of each provincial Governor an UNPROFOR Military Liaison, including a United Nations Civilian Police Liaison Officer, to assist in the carrying out of the above tasks.

III. INTERIM ARRANGEMENTS FOR THE PROTECTION OF HUMAN RIGHTS

A. The three parties have accepted principle No. 8 of the constitutional framework for Bosnia and Herzegovina which states that the highest level of internationally recognized human rights shall be provided for in the Constitution (see annex II above). The international community has repeatedly condemned "ethnic cleansing" and has demanded that its results be reversed. In order that the provisions of principle No. 8 be implemented in the interim period, the following measures will be taken, with particular emphasis placed on reversing "ethnic cleansing" wherever it has occurred.

1. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land and property, are wholly null and void.

2. Four ombudsmen will be appointed immediately by the Co-Chairmen, as per paragraph VI.B.2 of the Proposed Constitutional Structure for Bosnia and Herzegovina [*ICFY/6, annex*].

3. All citizens, through their representatives, will have the right to request international monitoring in areas where they believe that human rights were being, are being, or are about to be infringed. This may involve the monitoring of the area by the United Nations Civilian Police or other appropriate bodies such as the European Community Monitoring Mission, with or without the assistance of UNPROFOR military personnel. In the same way, they will also be able to make representations to the Mixed Military Working Group to request a redeployment of any armed forces in their area.

IV. APPOINTMENT OF A REPRESENTATIVE OF THE CO-CHAIRMEN IN BOSNIA AND HERZEGOVINA

The Co-Chairmen shall appoint a representative in Bosnia and Herzegovina, who will be resident in Sarajevo and available as and when necessary to the interim central Government and the interim provincial governments.

V. ESTABLISHMENT OF AN INTERNATIONAL ACCESS AUTHORITY

A. Principle 3 of the constitutional framework for Bosnia and Herzegovina states that "full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways".

In order to implement this principle, an international access authority will be established with representatives from the interim central Government and the interim provincial governments, which:

1. Will have sole responsibility for all railway lines in Bosnia and Herzegovina and those roads which are declared as internationally controlled throughways.

2. Will regulate the operation of port facilities on the River Sava.

The Authority's essential purpose will be to guarantee full freedom of movement between and within the provinces of Bosnia and Herzegovina and also to and from these provinces to the Republic of Croatia and to the Republic of Serbia (the proposed routes are set forth in annex B).

B. It is intended that the International Access Authority will be in operation as soon as possible during the interim period. Following the endorsement of the agreement on peace in Bosnia and Herzegovina by the Security Council, all designated throughways will come under the responsibility of UNPROFOR. A period of overlapping responsibility is envisaged for UNPROFOR and that of the International Access Authority. During this period of overlapping responsibility, the UNPROFOR's involvement will be phased out and its responsibilities assumed by traffic police employed by the International Access Authority. This transfer of responsibility will only happen by agreement of all those involved in the International Access Authority.

VI. FUNCTIONING OF THE NATIONAL POWER AUTHORITY

A Board of Directors will be appointed by the interim central Government and the interim provincial governments to manage Elektro Privreda, the existing national power authority, which will be responsible for the transmission and distribution of electricity in Bosnia and Herzegovina. The Board will be responsible for ensuring the uninterrupted supply of electricity to the whole of the country and to make appropriate links with neighbouring countries.

1. The interim central Government and each of the interim provincial governments will appoint one representative to the Board of Directors of Elektro Privreda.

2. Elektro Privreda will continue to have its headquarters in Sarajevo.

VII. FUNCTIONING OF THE NATIONAL BANK OF BOSNIA AND HERZEGOVINA

The functions of the Governor and Council of the National Bank (Narodna Banka) of Bosnia and Herzegovina will be taken over by a Board of Governors. The National Bank will continue to have responsibility, *inter alia*, for issuing currency and for exercising a regulatory function over provincial banks, as well as for relations with international financial institutions.

1. The interim central Government and each of the interim provincial governments will appoint one representative to the Board of Governors of the National Bank.

2. The National Bank will remain located in Sarajevo.

VIII. FUNCTIONING OF THE NATIONAL POST, TELEGRAPH AND TELECOMMUNICATIONS AUTHORITY

A Board of Directors will be appointed by the interim central Government and the interim provincial governments to manage the National Post, Telegraph and Telecommunications Authority of Bosnia and Herzegovina. It will have responsibility for ensuring postal and telecommunications services throughout Bosnia and Herzegovina, and necessary international links. It will also have responsibility for the allocation of radio and television transmission frequencies in Bosnia and Herzegovina.

1. The interim central Government and each of the interim provincial governments will appoint one representative to the Board of Directors of the National Post, Telegraph and Telecommunications Authority.

2. The National Post, Telegraph and Telecommunications Authority will be located in Sarajevo.

IX. ESTABLISHMENT OF AN INDEPENDENT NATIONAL CIVIL AVIATION AUTHORITY

An independent National Civil Aviation Authority will be established as soon as possible by the interim central Government and the interim provincial governments.

The National Civil Aviation Authority will, when appropriate, assume responsibilities for the control of all civilian traffic in the airspace of Bosnia and Herzegovina, as well as for relations with the International Civil Aviation Organization and other relevant international authorities. Initially, a period of overlapping responsibilities is envisaged for UNPROFOR and the National Civil Aviation Authority.

UNPOFOR will continue operating and controlling Sarajevo airport until other arrangements are agreed with the Force.

1. The interim central Government and each of the interim provincial governments will appoint one representative to the Board of Directors of the National Civil Aviation Authority.

2. The National Civil Aviation Authority will have its headquarters in Sarajevo.

29 January 1993

ANNEX A

Structure of interim provincial governments

For the purposes of this annex, the parties will be designated "Party A", "Party B" and "Party C", denoting the delegations of Mate Boban, Alija Izetbegovic and Radovan Karadzic, respectively.

Province No. 1

Province capital: Bihac
Governor: Nominated by Party B
Vice-Governor: Nominated by Party C
Other members of interim provincial government:
  seven members nominated by Party B, two members nominated by Party C, one member nominated by Party A

Province No. 2

Province capital: Banja Luka
Governor: Nominated by Party C
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
  seven members nominated by Party C, two members nominated by Party B, one member nominated by Party A

Province No. 3

Province capital: Bosanski Brod
Governor: Nominated by Party A
Vice-Governor: Nominated by Party C
Other members of interim provincial government:
  five members nominated by Party A, three members nominated by Party C, two members nominated by Party B

Province No. 4

Province capital: Bijeljina
Governor: Nominated by Party C
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
  five members nominated by Party C, four members nominated by Party B, one member nominated by Party A

Province No. 5

Province capital: Tuzla
Governor: Nominated by Party B
Vice-Governor: Nominated by Party C
Other members of interim provincial government:
  five members nominated by Party B, three members nominated by Party C, two members nominated by Party A

Province No. 6

Province capital: Nevesinje
Governor: Nominated by Party C
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
  seven members nominated by Party C, two members nominated by Party B, one member nominated by Party A

Province No. 7

Province of Sarajevo

Because of its special position with the capital in its midst, it is proposed that each of the parties will nominate three members in the interim provincial government.

The *opstina* boundaries in Sarajevo will be referred immediately to a committee to which each party will nominate a member. The Committee will meet in Sarajevo under the chairmanship of the Co-Chairmen's representative, and will report to the Co-Chairmen before Sunday, 7 February 1993. The Co-Chairmen will arbitrate in the event of any differences.

It is envisaged that one of the *opstinas* will be called the "Capital *opstina*" and encompass the government buildings, historic buildings, the university, hospital, the railway station and sports facilities and will come under the administration of the interim central Government.

Province No. 8

Province capital: Mostar
Governor: Nominated by Party A
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
  six members nominated by Party A, three members nominated by Party B, one member nominated by Party C

Province No. 9

Province capital: Zenica
Governor: Nominated by Party B
Vice-Governor: Nominated by Party A
Other members of interim provincial government:
  six members nominated by Party B, two members nominated by Party A, two members nominated by Party C

Province No. 10

Province capital: Travnik
Governor: Nominated by Party A
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
  five members nominated by Party B, four members nominated by Party A, one member nominated by Party C

ANNEX B

Throughways to be controlled by the International Access Authority

- That part of the road from Bihac to Livno that passes through Banja Luka Province;
- That part of the road from Bihac to Jajce that passes through Banja Luka Province;
- That part of the road from Banja Luka to Brcko that passes through Posavina Province;
- Those parts of the roads from Tuzla to Orasje and from Tuzla to Brcko that pass through Posavina and Bijeljina Provinces;
- Those parts of the roads from Han Pijesak to Sekovici and from Sekovici to Zvornik that pass through Tuzla Province;
- That part of the road from Pale to Kalinovik that passes through Sarajevo Province;
- That part of the road from Foca to Sarajevo that passes through East Herzegovina Province;
- The road from Sarajevo to Mostar and to the Croatian border towards Split;
- That part of the road from Ljubinje to Neum that passes through Mostar Province.

International road border crossings affecting the International Access Authority:

- Bihac Province: Velika Kladusa, towards Karlovac and Zagreb;
- Banja Luka Province: Bosanski Gradiska, towards Zagreb-Belgrade autoroute;
- Posavina Province: Orasje, towards Zagreb-Belgrade autoroute;
- Bijeljina Province: Sremska Raca, towards Zagreb-Belgrade autoroute;
- Tuzla Province: Zvornik, towards Zagreb-Belgrade autoroute;
- Mostar Province: Osoje, towards Split

DOCUMENT S/25222

Letter dated 26 January 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[*Original: Spanish*]
[*2 February 1993*]

We have the honour to bring to your attention the text of the declaration on the former Yugoslavia adopted by the European Community and its member States and issued on 25 January 1993 in Copenhagen and Brussels.

We should be grateful if you would have the text of this letter and the declaration circulated as a document of the Security Council.

(*Signed*) Jean-Bernard MERIMEE
Permanent Representative of France
to the United Nations

Signed) Juan A. YAÑEZ-BARNUEVO
Permanent Representative of Spain
to the United Nations

Signed) Sir David HANNAY, KCMG
Permanent Representative of the
United Kingdom of Great Britain
and Northern Ireland
to the United Nations

TEXT OF THE DECLARATION

[*Original: English/French*]

The European Community and its member States view with grave concern the recent resumption of hostilities around Zadar in Croatia, which have been initiated by the Croatian side. The armed clashes have already resulted in numerous casualties, including one member of the French UNPROFOR [*United Nations Protection Force*] contingent.

In addition to destabilizing the uneasy situation in Croatia, these actions risk harming the highly important and serious negotiations in Geneva on Bosnia and Herzegovina, which recently have shown promise of making some headway. The consequences of such a train of events could be extremely grave.

In the present situation, the European Community and its member States, while aware of Serbian non-compliance with the Vance plan, urgently call on all sides, and in particular the Government of Croatia, to bring hostilities around Zadar to an immediate end. All parties involved must participate in good faith with the implementation of all aspects of the Vance plan, including the return of the refugees, and must be prepared to accept a prolongation of the UNPROFOR mandate, when it expires next month.

At the same time, the European Community and its member States, recalling their declaration of 13 January 1993 [*S/25108*], urge all parties involved to carry on without delay the negotiations in Geneva with a view to reaching agreement on full implementation of the Ahtisaari proposal on Bosnia and Herzegovina. No action must be undertaken by anyone, inside or outside Bosnia and Herzegovina, which could put these negotiations into jeopardy.

DOCUMENT S/25225

Letter dated 2 February 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[*Original: Spanish*]
[*3 February 1993*]

We have the honour to bring to your attention the text of the declaration on Bosnia and Herzegovina adopted by the European Community and its member States on 1 February 1993.

We should be grateful if you would have the text of this letter and declaration circulated as a document of the Security Council.

(*Signed*) Jean-Bernard MERIMEE
Permanent Representative of France
to the United Nations

(*Signed*) Juan A. YAÑEZ-BARNUEVO
Permanent Representative of Spain
to the United Nations

(*Signed*) Sir David HANNAY, KCMG
Permanent Representative of the United Kingdom
of Great Britain and Northern Ireland
to the United Nations

TEXT OF THE DECLARATION

[*Original: English and French*]

[*Same text as the declaration contained in document S/25221, paragraph 20 above.*]

DOCUMENT S/25227

Letter dated 30 January 1993 from the representative of Romania to the President of the Security Council

[*Original: English*]
[*3 February 1993*]

Following my letter dated 27 January 1993 [*S/25189*], I have the honour to submit to the attention of the Security Council and its member States the following additional information.

The presidential statement delivered on 28 January 1993 concerning Yugoslav vessels transporting petroleum on the Danube [*S/25190*] has been duly transmitted to the Government of Romania as well as to the competent Romanian authorities.

The competent Romanian authorities, in close consultation and cooperation with the Bulgarian authorities, are continuing to make every effort, in accordance with the relevant Security Council resolutions, to ensure the use of any measures of control and enforcement that may be required to prevent violations of the mandatory United Nations sanctions by vessels loaded with prohibited cargo sailing on the Danube under the Yugoslav flag.

In this context, on 28 January 1993, the Romanian customs, port and border authorities, together with their Bulgarian counterparts, cooperated closely in order to stop the Yugoslav tugboat *Velebit*, referred to in the above-mentioned letter. The Head of the Sanctions Assistance Mission also took part in this Romanian-Bulgarian action. At the same time, the Yugoslav Government, through the Ambassador of the Federal Republic of Yugoslavia in Bucharest, was requested to take decisive measures to stop the convoy.

These actions included constraining measures far beyond the usual international navigation control practice. Several attempts by border and police river boats, including explicit manoeuvring in front of the Yugoslav tugboat, low altitude overflights by police helicopters, light, sound and radio summons, were repeatedly made in order to compel the Yugoslav crew to stop the convoy.

Despite all combined efforts, the Yugoslav convoy did not stop. The possibility of blocking the traffic on the Danube with boats was jointly envisaged and thoroughly considered. It was found out that, owing to the extremely difficult conditions of navigation (very low depth of the river waters), there was a real and grave danger of an accident with incalculable and irremediable consequences for navigation and environmental protection.

I would like also to mention that two other convoys under the Yugoslav flag are sailing up-stream in the Romanian-Bulgarian sector of the Danube. The competent authorities are using every possible means, including available constraining measures proportionate to the situation, in order to stop the convoys in accordance with national laws and with due regard to the need to safeguard human lives and avoid excessive or irreparable damages. Moreover, grave environmental consequences for the two riparian States may occur if a forceful action, beyond the above-mentioned limits, is to be considered. All major Romanian cities, towns and villages located on the banks of the Danube are using exclusively water from the river, and Romania does not possess the means to prevent or to alleviate environmental pollution.

Romania is committed to using all available measures of control and enforcement to prevent violations of the provisions of the Security Council resolutions concerning sanctions on Yugoslavia, following the guidelines issued by the Security Council Committee established pursuant to resolution 724 (1991), including the Committee's letter of 12 November 1992, concerning the implementation of the embargo on the Danube. However, in this very context, may I stress that Romania does not possess all adequate means, commensurate with the prevailing circumstances, for the enforcement of the sanctions regime on the Danube. This situation has been acknowledged by the Sanctions Assistance Mission as well as by officials from European countries.

Receiving technical support, promised by some Governments, in order to enhance the efficiency of actions deployed would be of utmost importance.

The infringements of the embargo on the Danube can be curbed only if no further shipments are permitted from the ports of origin and by exerting pressure upon the Yugoslav authorities to comply fully with the relevant Security Council resolutions, halting immediately the oil embargo violation by Yugoslav vessels on the Danube.

Romania is particularly concerned by reports that allegedly new Yugoslav convoys are going to be loaded with petroleum products in the same originating ports. In this connection, urgent measures should be taken in order to stop the loading and to arrest the Yugoslav vessels in those very ports, to prevent further attempts at violation of the embargo.

Finally, may I reiterate the appeal of the Romanian Government for increased international presence for sanctions monitoring in order actively to observe and support, including by significant technical assistance, the Romanian and Bulgarian authorities in the implementation of the sanctions.

(*Signed*) Valeriu FLOREAN
Chargé d'affaires a.i.
of the Permanent Mission of Romania
to the United Nations

DOCUMENT S/25228

Letter dated 3 February 1993 from the representative of Romania to the President of the Security Council

[*Original: English*]
[*3 February 1993*]

Further to my letter of 30 January 1993 [*S/25227*], and with reference to the statement of the President of the Security Council delivered to the media on 28 January 1993 [*S/25190*], I have the honour to transmit herewith the text of an *aide-mémoire* dated 30 January on the actions and concrete measures taken by the Government of Romania for observing the embargo against Yugoslavia and the needs for assistance to Romania in this respect.

As stated in my previous letter, as well as in the *aide-mémoire*, I would like to use this opportunity to reiterate, once again, the appeal of the Government of Romania for an increased international presence for monitoring the observance of the sanctions regime in order actively to support the Romanian authorities in the implementation of the embargo. Mindful of the fact that it is for the first time that Romania is confronted with such a complex and difficult situation, and owing to the fact that Romania does not possess adequate means commensurate with the prevailing circumstances, international assistance would be of utmost importance.

In this context, may I also submit to the attention of the Security Council and its member States the proposal made in the attached *aide-mémoire* concerning, *inter alia*, the importance of a United Nations presence in the Romanian-Ukrainian contact zone on the Danube.

I would be grateful if you would circulate this letter as a document of the Security Council.

(*Signed*) Valeriu FLOREAN
Chargé d'affaires a.i.
of the Permanent Mission of Romania
to the United Nations

AIDE-MEMOIRE

I. LEGAL MEASURES TAKEN BY THE GOVERNMENT OF ROMANIA

1. After the adoption, on 30 May 1992, of United Nations Security Council resolution 757 (1992), setting up the total and complete embargo against Yugoslavia, on 3 June 1992, the Government of Romania issued a declaration which expressed its determination to comply with the embargo. At the same time, it was pointed out that, owing to the serious consequences affecting the national economy, the Government of Romania reserved its right to claim compensation, in accordance with Article 50 of the Charter of the United Nations. A memorandum indicating the value of the direct and indirect losses of Romania in 1992, as a result of observing the embargo, was submitted on 29 January 1993 to the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia.

2. In compliance with the Government's decision, all the Ministers involved issued orders regarding the observance of the embargo, in their respective sector and, in this sense, precise instructions were given (the Ministry of Trade, the Ministry of Industry, the Ministry of Finance, the General Customs Directorate, the Ministry of Agriculture, the Ministry of Transport and the Ministry of the Interior). At the governmental level, a task force was set up, consisting of representatives from all the ministries involved.

3. On 20 June 1992, the Government of Romania submitted to the Security Council a memorandum [*S/24142*] on the measures taken with regard to the provisions of resolution 757 (1992), and on 15 July 1992, an addendum [*S/24142/Add.1*], which detailed the actions subsequently taken. At the same time, the Government manifested its readiness to accept international experts to assist the Romanian authorities.

4. On 20 August 1992, the Government of Romania passed further detailed instructions in order to strengthen the measures taken for complying with the embargo, to consolidate the structures set up previously and to ensure the strict surveillance of international traffic on the Danube, in cooperation with the neighbouring riparian countries.

5. On 18 November 1992 and in accordance with Security Council resolution 787 (1992) adopted on 16 November 1992, the Government of Romania established adequate measures and obligations incumbent on the Romanian institutions and issued decision No. 771, dated 18 November 1992.

II. PRACTICAL ACTIONS AND MEASURES

6. On the basis of the above measures, steps were taken to stop the ships carrying cargo to or from Yugoslavia, to ban cargo coming from or going to Yugoslavia and to prevent the transfer of funds or any commercial activity involving legal bodies or citizens from Yugoslavia. Consequently, 4,588 ships and 4,223 vehicles for land transport were subject to customs inspections.

7. During this time, in the harbour of Galati there arrived ships displaying several flags, mostly Ukrainian and carrying, without the Security Council Sanctions Committee's approval, cargo that was banned by resolution 787 (1992). The Romanian authorities prohibited the transshipment of these ships along the Romanian sector of the Danube (Galati-Orsova) and either sent them back or retained them in the Romanian harbours.

8. Owing to the great number of ships to be found in the Galati harbour roadstead, the latter became extremely crowded, thus making the necessary manoeuvres impossible and hindering radio communications. Consequently, there was the danger of fire outbreaks and of pollution with catastrophic consequences and great difficulties for the river traffic. The Romanian authorities have made every effort to regulate this dangerous situation. The Security Council Sanctions Committee has given its agreement so that all empty Yugoslav barges may be permitted to transit along the Romanian sector of the Danube. Loaded Yugoslav barges were taken to a shelter-zone near the Braila harbour.

9. Between November and December 1992, in the Galati harbour, there were detained five ships under the Yugoslav flag - *Velebit*, *Orasac*, *Kumanovo*, *Bihac* and *Kaimakalan* - with 40 barges loaded in Ukrainian harbours with oil-refined products. The alleged final destination was the Bulgarian harbour of Vidin but, on inspection, there were no documents to prove this.

III. VIOLATIONS OF THE EMBARGO BY YUGOSLAV SHIPS AND MEASURES TAKEN BY ROMANIAN AUTHORITIES

10. The Yugoslav tugboat *Bihac* availed itself of permission given to return to its loading harbour (at Reni, in the Ukraine) and, on 14 January 1993, requested permission to leave, in order to protect the Yugoslav barges stationed in the Ukrainian harbour during winter. On 19 January 1993, the above-mentioned tugboat returned to the Galati roadstead with a convoy of four barges, loaded with oil-products, but refused to submit to the Harbour Master's Office and continued its route. At short intervals, the other Yugoslav ships, moored at Braila under orders from the Romanian authorities, forcibly broke through and left with *Bihac* in the lead.

11. All along the Romanian sector of the Danube, the Romanian authorities - the Harbour Master's Offices, the border and customs officers - tried to establish direct contact with the ships but, as a consequence of the latter's refusal, constraints had to be exercised and all available means had to be used in order to stop the ships. In this context, two border vessels (a motor gun-boat and a border patrol boat) together with the motor boat of the Harbour Master's Office and police helicopters intercepted each of the tugboats separately and, through sound or optical signals, summoned them to stop. The border patrol boats circumnavigated each convoy and the helicopter surveyed the area. The tugboats did not submit and continued to sail upstream.

12. The Yugoslav ships *Kaimakalan* and *Kumanovo* were also intercepted by the border authorities and summoned to stop but they did not comply with the orders. Subsequently, another boat of the border authorities boat and a police helicopter summoned them, once more, to stop, but the ships ignored all signals and warnings and followed their route.

13. Likewise, the Yugoslav tugboat *Velebit* with 10 barges was intercepted and summoned to stop by a police helicopter and a border patrol boat, which circumnavigated the convoy. Momentarily, the *Velebit* convoy, coming within very close distance, jeopardized the border patrol boats.

14. While still in the harbour of Braila, the captains of the Yugoslav ships had threatened that if force was used against them they would either set the ships on fire or they would spill the entire oil cargo in the Danube. Spilling or setting the oil on fire would lead to a massive ecological disaster, which would seriously affect the ecosystem of the lower Danube, the Danube delta included. Moreover, as all major towns, harbours and settlements alongside the Danube use water from the river, it would mean that for approximately 10 per cent of Romania's population, the access to drinking water - and water in general - would be endangered. None of these settlements has the means to fight against pollution caused by oil products.

15. Along the Danube's Romanian-Bulgarian sector the actions meant to stop the Yugoslav convoys were taken in cooperation with the Bulgarian authorities. In these actions border patrol boats and helicopters were used as already mentioned. The Sanctions Assistance Mission, international observers coming from European Community and Conference on Security and Cooperation in Europe countries currently present in Romania and Bulgaria took part in some of the described actions.

16. The measures taken by the Romanian authorities were of a constraining nature. They went far beyond the river traffic surveillance means permitted by international rules. In this way the constraining steps were clearly within the framework of the pertinent Security Council resolutions concerning the use of force. These actions remained within the limits set by those United Nations Security Council resolutions for safeguarding human lives and avoiding excessive or irreparable damages to property.

17. On 26 January, the President of Romania examined the serious situation created in the Danube region, and the same situation was twice debated by the Government, on 27 and 29 January 1993. On 27 January, the Government issued a special statement in this respect.

18. Throughout this time the Romanian Government seized the Security Council of these developments - on 28 January a presidential statement was issued [*S/25190*]. Steps were also taken with regard to the Yugoslav authorities, which said they found it impossible to get in radio contact with the ships and had no means to influence the captains of the ships, one way or another.

19. Despite all measures taken by Romanian authorities the Yugoslav convoys continued the series of violations, ignoring warnings given insistently and repeatedly, exposing the border patrol boats, as well as other ships navigating on the Danube, to risky situations, and managed to arrive in the Yugoslav sector of the Danube (the last one arrived in the morning of 30 January).

20. Since the morning of 30 January 1993, in the Romanian sector of the Danube there was not a single convoy navigating under the Yugoslav flag. However, the Romanian authorities are informed that in the Ukrainian harbour of Reni there is a great number of tugboats and barges loaded with oil products, which may attempt at any moment to sail upstream, towards Yugoslavia. The Romanian Ministry of Foreign Affairs has asked the Ministry of Foreign Affairs of Ukraine for an emergency meeting, in order to examine the situation.

IV. FURTHER MEASURES AND ACTIONS

21. The Government of Romania will take further steps to ensure strict implementation of the Security Council embargo, and will resort to all necessary measures, including constraint, in compliance with the provisions of the pertinent Council resolutions.

22. Taking into account the fact that the violation on the Danube of the embargo starts outside Romania, the Romanian Government requests the Security Council to take firm action, beginning directly at the source, so as to prevent and stop the traffic towards Yugoslavia of oil-loaded barges moored, at present, in the harbours of Reni, Izmail or in other places.

23. In order to implement and expand the measures approved so far, the Romanian Government manifests its willingness and submits to the attention of the Security Council, that a United Nations presence be placed in the contact zone on the Danube, between Romania and Ukraine, since the ships violating the embargo came from that direction.

24. The Romanian Government reiterates the fact that it requested international assistance, i.e. fast motor boats and means of communication, necessary to intercept and summon ships that violate the embargo. Such international assistance has not yet been received. The five Yugoslav convoys looked like genuine floating fortresses, made of tugboats surrounded by quite a number of barges loaded with oil products. The Romanian Government requests technical assistance, in means and expertise, considering the fact that it is for the first time that Romanian specialists have to cope with this kind of situation.

25. Owing to possible collisions or some deliberate actions, one of the Government's main concerns is the persistent potential danger of oil pollution of the Danube waters (in several Romanian harbours, there are eight barges under the Yugoslav flag or other foreign flags, retained at present by legal authorities). Consequently, the Government requests humanitarian assistance to prevent pollution in emergency cases and to restore the environment and purify the water if the case should arise.

DOCUMENT S/25234

Letter dated 3 February 1993 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*3 February 1993*]

I have the honour to submit herewith a letter from Mr. Mate Granic and Mr. Vladimir Seks, Deputy Prime Ministers of Croatia, addressed to you.

I would kindly ask for your assistance in circulating this letter as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

LETTER DATED 2 FEBRUARY 1993 FROM THE DEPUTY PRIME MINISTERS OF CROATIA ADDRESSED TO THE SECRETARY-GENERAL

The Republic of Croatia, its authorities, public opinion makers and above all the population victimized and displaced due to the war aggression but nevertheless eagerly looking forward to a peaceful solution of the crisis, are patiently sustaining the unfulfilment of the internationally approved commitments taken by the "FR of Yugoslavia". Today, the "FR of Yugoslavia" keeps hundreds of forcibly taken away and imprisoned Croats in their detention camps.

Systematically and quite intentionally the "FR of Yugoslavia" failed to fulfil their assumed commitments to all international contracts and agreements agreed upon and signed by the two Governments in supportive cooperation with the International Committee of the Red Cross.

The authorities of the "FR of Yugoslavia" together with their army forces, paramilitaries and illegal Serbian local authorities in the occupied territories of the Republic of Croatia are responsible for almost 14,000 people, who either disappeared, were forcibly taken away or were detained.

Concurrently, by applying the methods and constructing the trials abusing the legal systems of modern States, detainees have been exposed to most severe atrocities, political pressures and so-called legal trials, beyond the control of the public, in which individuals were denied their lawful right on self-defence. Croats from the most damaged or totally destroyed territories (Vukovar, Beli Manastir, Dalj, Drnis and others) subjected to ethnic cleansing in order that they could be finally colonized by Serbian population, are intentionally kept imprisoned to be sentenced to severest punishments. For its special purposes of blackmail and political pressure the "FR of Yugoslavia" keeps the so-called Sombor group, citizens of Vukovar as well as all imprisoned Croats from Slavonia and Barania in detention refusing to obey its commitments in compliance with the principles of the International Conference on the Former Yugoslavia.

By denying the international community and its authorities the right of access to all localities of mass graves in the occupied territories of the Republic of Croatia as well as by its constant refusal to publicly disclose the precise documentation on the missing and forcibly imprisoned persons in the territory of the Republic of Croatia, the "FR of Yugoslavia" is most wantonly violating the basic principles of international humanitarian law.

Aware of its own doomed military, territorial and political targets on the territory of the Republic of Croatia, the "FR of Yugoslavia" is now taking its last step to accomplish its goal - keeping these persons in detention and refusing to exchange them in order to exert pressure on the Republic of Croatia and thus delay the speedy realization of the UNPROFOR peace-keeping operation and slow down the process of finding a solution in compliance with the Conference initiated by the United Nations and the European Community.

Only by making exceptionally hard efforts the Government of the Republic of Croatia has succeeded in explaining to its own suffering and displaced population how important it is to show additional understanding for the efforts of the international community in finding the solution to the crisis.

Highly appreciating your personal contributions, together with the efforts made by the Commission of Experts for investigation of war crimes, which was established pursuant to paragraph 2 of Security Council resolution 780 (1992), and the reports of Mr. Tadeusz Mazowiecki, Special Rapporteur of the United Nations Commission on Human Rights, the Government of the Republic of Croatia, fully aware of your experience and authority, would be most thankful for your support in achieving:

- immediate and unconditional release and exchange of all detainees, forcibly imprisoned and sentenced Croats (in conformity with international agreements);
- free access under UNPROFOR protection to all mass grave localities in the occupied territories of the Republic of Croatia in accordance with the documentation already submitted to the United Nations;
- upon the release and exchange of all detainees, establishment of a special joint commission within the framework of the Conference, which would systematically and finally resolve the problems of all missing persons or those detained during the aggression against the Republic of Croatia.

Be assured that the Republic of Croatia is fully cooperative and willing to fulfil all its commitments in this respect.

(*Signed*) Mate GRANIC
Vice Prime Minister

(*Signed*) Vladimir SEKS
Vice Prime Minister

Enclosure

Letter dated 21 January 1993 from the Deputy Prime Ministers of Croatia addressed to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia

On behalf of the Government of the Republic of Croatia, we wish to bring to your attention an important problem. With your personal contribution the solution of this problem may greatly enliven the spirit of the future talks and achievements of the International Conference on the Former Yugoslavia.

The "FR of Yugoslavia" has repeatedly failed to fulfil its assumed commitments to the international contracts - agreements on prisoner exchanges - agreed upon by the Republic of Croatia and "the Federal Republic of Yugoslavia" in cooperation with the International Committee of the Red Cross.

The first agreement of 6 January 1991, undertaken by the Government of the Republic of Croatia and the armed forces of the then

Yugoslavia (JNA), established the principles for exchange of imprisoned and detained persons, irrespective of place and/or territory of imprisonment or detention and the legal and other proceedings in progress based on the "all for all" principle, in conformity with the special criteria and under the supervision of the International Committee of the Red Cross.

On the basis of the agreement which was confirmed at Sarajevo, 11 February 1992, at Pecs, 20 March 1992, and at Geneva, 28 and 29 July 1992, the Prime Ministers of the Republic of Croatia and the "FR of Yugoslavia" signed the agreement on 7 August 1992, which stated that unconditional exchange of all persons was to proceed according to the data of the International Committee of the Red Cross.

The "FR of Yugoslavia" made a grave violation of the agreement reached by failing to bring the previously agreed 124 persons under its control to the place of the exchange (Nemetin) on 14 October 1992.

On 18 October 1992 (Geneva), the Government of the "FR of Yugoslavia" had again committed itself to the release of the remaining prisoners but again failed to fulfil the commitment.

Finally, the authorities of the "FR of Yugoslavia" violated the last agreement (Budapest, 16 December 1992) by refusing to exchange persons who should have already been exchanged in Nemetin, 14 October 1992.

The exchange of the remaining imprisoned and detained persons is of exceptional importance to the Republic of Croatia. Finding out more about the destiny of Croatian casualties in the war against Croatia and their return from prisons through a prisoner exchange programme will primarily put an end to the suffering of their families, who are themselves mostly refugees from the occupied territories in the Republic of Croatia. Especially grave is the fact that the detained, the forcibly taken away and the imprisoned Croats, were exposed to great atrocities in the aggression against the Republic of Croatia, the destruction of Vukovar and villages in its area, the devastation and occupation of Beli Manastir, Dalj and other towns.

Today, they are exposed to inhuman treatment in detention, together with summary and political trials. There are special political purposes in the refusal to exchange a certain number of the imprisoned Croats who had been tried while in detention in the Republic of Serbia. Among them there is a group of 12 civilians who are imprisoned in the city of Sombor. The Government of the Republic of Croatia has reason to believe that one of these persons recently died in Sombor because of the miserable conditions of imprisonment. Some of the detainees have been delivered to Serbian illegal and paramilitary formations or local authorities in the Republic of Croatia and the Republic of Bosnia and Herzegovina. Their destiny is unknown. The authorities of the "FR of Yugoslavia" together with the illegal Serbian local authorities in the occupied territories of the Republic of Croatia are responsible for almost 14,000 people, who disappeared or were forcibly taken away.

The "FR of Yugoslavia" keeps these persons in detention and refuses to exchange them for special political and military purposes: pressure on the Republic of Croatia and the delay of a speedy solution in compliance with the principles of the Conference. The practice is already well known: the repeated undertaking but non-observance of the legally assumed commitments on an international level.

The Government of the Republic of Croatia highly appreciates the efforts of the International Committee of the Red Cross, but holds that immediate action on the part of the international community is needed because of the grave violations of humanitarian law and commitments which were assumed by the "FR of Yugoslavia" on an international level.

Therefore, we ask you to use your authority and influence to immediately put political pressure on the authorities of the "FR of Yugoslavia" and undertake measures aimed at the fulfilment of the assumed commitments and exchange of all prisoners in accordance with recognized and established principles.

Upon solution of this particularly urgent problem of the exchange of the prisoners, we take the liberty of suggesting the establishment of a joint commission within the framework of the Conference, which would systematically and finally resolve the problems of persons who have disappeared or have been forcibly taken away.

We believe that your precious effort will make a great contribution to the achievements of the Conference. The Republic of Croatia is ready to cooperate fully and will fulfil all its commitments.

(*Signed*) Vladimir SEKS
Deputy Prime Minister

(*Signed*) Mate GRANIC
Deputy Prime Minister

DOCUMENT S/25235

Letter dated 3 February 1993 from the representative of Bulgaria to the President of the Security Council

[*Original: English*]
[*3 February 1993*]

Upon instructions from my Government I have the honour to transmit herewith the text of a note delivered by the Ministry of Foreign Affairs of Bulgaria to the respective Ministries of Foreign Affairs of the Russian Federation, Ukraine and Romania.

I should be grateful if you would have this letter and the note circulated as a document of the Security Council.

(*Signed*) Jordan LOZANOV
Chargé d'affaires a.i.
of the Permanent Mission of Bulgaria
to the United Nations

TEXT OF THE NOTE

The Republic of Bulgaria strictly observes the Security Council resolutions imposing sanctions on Serbia and Montenegro.

Bulgaria cannot accept the shifting of responsibility in cases where vessels which have navigated through the territorial waters of other States in violation of the relevant resolutions of the Security Council have been allowed to enter the Bulgarian-Romanian sector of the international waterway on the Danube.

No Bulgarian companies have been involved in the shipment of oil on the Danube and there are no facilities on the Bulgarian bank of the river for the loading or unloading of oil and oil products.

Any shipping documents in contradiction of the above are to be considered invalid. It is the request of the Republic of Bulgaria that should such documents be submitted, irrespective of their origin: official State documents, company documents or others, they be withheld and the Bulgarian side be immediately informed.

The Republic of Bulgaria reaffirms its readiness to assist and cooperate in the strict enforcement of the Security Council resolutions concerning the sanctions imposed on Serbia and Montenegro.

DOCUMENT S/25236

Letter dated 3 February 1993 from the representative of Argentina to the Secretary-General

[*Original: Spanish*]
[*3 February 1993*]

I have the honour to transmit to you herewith the press release issued by the Argentine Government on 29 January 1993 regarding the situation in Angola.

I should be grateful if you would have this communication circulated as a document of the Security Council.

(*Signed*) Emilio J. CARDENAS
Permanent Representative of Argentina
to the United Nations

TEXT OF THE PRESS RELEASE

The Argentine Government deplores the outbreak of violence in Angola, which has claimed human lives and reversed the ongoing peace process.

It therefore calls upon the Government and UNITA [*National Union for the Total Independence of Angola*] to resume their dialogue and agree on a new cease-fire without delay, and respect the commitments undertaken in the Bicesse Accords.

In particular, the Argentine Government calls upon UNITA to respect the results of the free and impartial elections held in September 1992 and to resume the demobilization process. Moreover, it exhorts UNITA to free, as soon as possible, the foreigners it is holding prisoner.

It likewise requests the countries of the region to abstain from any action that could lead to an extension of the conflict, which would have unforeseeable consequences.

In view of this situation, Argentina underscores the efforts of the international community to support, cooperate with and assist the negotiation process and ensure the implementation of agreements already reached.

The Argentine Government firmly supports the measures taken by the Security Council, and emphasizes the positive role that the United Nations is playing in this process through its verification mission (UNAVEM II), to which Argentina has contributed 10 civilian police officers and 6 military observers.

In this regard, the Argentine Government believes that the success of these international efforts depends on the genuine political will of all parties to achieve peace and rebuild the country.

DOCUMENT S/25237

Letter dated 3 February 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*3 February 1993*]

I have the honour to transmit herewith a letter from Mr. Ilija Djukic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have the present letter and the attachment circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 3 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Republic of Croatia has consistently and flagrantly violated the Charter of the United Nations and a number of Security Council resolutions concerning the Yugoslav crisis.

Its aggressive and expansionist policy is undoubtedly a major obstacle to finding a peaceful and durable solution to the Yugoslav crisis. The victims of its aggression are no longer only the Serbs, but the Muslims and the United Nations forces as well.

However, the negative and unacceptable role of the Republic of Croatia has often been ignored in the deliberations within the Security Council and its responsibility was brushed aside. As a result, the Republic of Croatia was further encouraged to persist with its policy and practice of aggression, which is particularly evident in the past few days.

1. The aggression of the Croatian Army against the United Nations Protected Areas, United Nations Protection Force and the Serbian civilian population represents a flagrant violation of the Vance peace plan and relevant Security Council resolutions, in particular 724 (1991), 743 (1992) and 762 (1992).

That has seriously jeopardized the credibility of the United Nations and its ability to defend the population and ensure peace in the territories under its protection.

2. Furthermore, Croatia has totally ignored the latest Security Council resolution, 802 (1993) and the presidential statement of 27 January 1993 and the demands contained therein - to immediately cease all military activities and withdraw its army to the original positions.

Quite the contrary, it has continued and stepped up its aggression against UNPAs. The President of Croatia, Franjo Tudjman, has even gone so far as to publicly announce on 31 January 1993 that the Croatian troops would go ahead to capture more of the United Nations Protected Areas.

In that regard, we would like to remind you that the Security Council has undertaken to consider "... what further steps might be necessary to ensure that resolution 802 (1993) and other relevant Security Council resolutions are fully implemented."

3. From the outbreak of the conflict, the Croatian Army, totalling 60,000, has been actively engaged in the war in Bosnia and Herzegovina as has been confirmed by the United Nations Secretary-General, Security Council and the General Assembly. The involvement of the Croatian army has moreover been publicly acknowledged by the President of Croatia and the Croatian Minister of Defence. Croatia has in effect expanded its authority to the territory of Bosnia and Herzegovina under its occupation and constantly attacks Serbian and Muslim population living in these areas.

This represents a clear violation of the commitments undertaken at the London Conference, relevant decisions of the General Assembly and Security Council resolutions 724 (1991), 743 (1992), 752 (1992), 757

(1992), 762 (1992) and 787 (1992). Croatia even ignores demands adopted under Chapter VII of the Charter to withdraw its troops from the territory of Bosnia and Herzegovina, cease outside interference and establish an immediate cease-fire.

4. The Croatian army has recently blocked all roads and convoys with humanitarian relief in Central Bosnia and Herzegovina in clear violation of Security Council resolutions 770 (1992) and 776 (1992) adopted pursuant to Chapter VII of the Charter.

5. In defiance of Security Council resolution 781 (1992), Croatia has been the main violator of the "no-fly zone" in the airspace of Bosnia and Herzegovina as has been reported by the Secretary-General.

6. The Republic of Croatia has openly violated the arms embargo imposed by Security Council resolution 713 (1991). The Croatian territory is also used for channelling arms to the Croats and Muslims in Bosnia and Herzegovina, as well as foreign mercenaries. That is common knowledge, documented and reported by the world media, many independent observers and international organizations. The Permanent Representative of Croatia to the United Nations himself admitted in a recent interview with the BBC that his Government has been illegally importing arms.

The Security Council can no longer let such a policy go unpunished. It has an obligation to take all appropriate measures including those envisaged by Chapter VII of the Charter, to make the Republic of Croatia honour the Charter and all relevant Security Council resolutions. If the Security Council truly seeks to contribute to the peaceful resolution of the Yugoslav crisis, it should take an impartial and even-handed attitude towards all parties to the conflict.

Failing to do so, the Security Council would embolden Croatia's apparent aspirations towards military option and make a peaceful solution ever so distant and unattainable.

(*Signed*) Ilija DJUKIC

DOCUMENT S/25241

Letter dated 26 January 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*4 February 1993*]

I have the honour to refer to the United Nations Observer Mission in El Salvador (ONUSAL).

The members of the Security Council will recall that, in my report to the Council of 23 November 1992 [*S/24833, para. 74*], I stated that the Government of El Salvador had informed me that it had requested the Supreme Electoral Tribunal, as the competent authority, to consider a proposal that the United Nations verify the next presidential, legislative and municipal elections due to be held in El Salvador in March 1994.

I now wish to inform the Security Council that I have received from the Salvadorian authorities a letter dated 8 January 1993, informing me that, based on the reply received from the Supreme Electoral Tribunal, the Government had decided to request the United Nations to verify the forthcoming general elections.

Given the importance of these elections, which will be the first to take place after the end of the conflict and should in the normal course of events constitute the logical culmination of the entire peace process, it would be my intention to recommend the acceptance of the request of the Government of El Salvador. As I indicated in my report of 23 November 1992 [*ibid., para. 83*], the personnel needed for this task would be phased in as required by the electoral process and their assignment would end immediately after the elections in March 1994. I shall present to the Security Council, in the report requested of me in paragraph 8 of resolution 791 (1992), my recommendations regarding the administrative and financial implications of the request.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25242[*]

Letter dated 4 February 1993 from the observer of Palestine to the Secretary-General

[*Original: English*]
[*4 February 1993*]

I am instructed by the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your attention.

Several media organizations reported statements made by Mr. Yitzhak Rabin before the Israeli Parliament with regard to the "agreement" made between Israel and the American Administration on the issue of deportation. *The New York Times* of 4 February 1993 reported that the Prime Minister stated "that his agreement with the United States to bring back a quarter of the 400 Palestinians banished to Lebanon had preserved his right to deport hundreds more people in the future". Such statements compound the reasons for the international community to reject such kinds of "agreements", drawn up without the knowledge of the Security Council.

The Security Council, in its unanimously adopted resolution 799 (1992), reaffirmed the applicability of the fourth Geneva Convention of 12 August 1949[1] to all the Palestinian territories occupied by Israel since 1967, including Jerusalem, and affirmed that deportation of civilians constitutes a contravention of Israel's obligations under the Convention. In addition, the resolution demanded that Israel, the occupying Power, ensure the safe and immediate return to the occupied territories of all those deported.

Accordingly, we reiterate our belief that this "agreement" is not in compliance with resolution 799 (1992) and does not fulfil the demand made by the Security Council in that resolution. Furthermore, acceptance of it will be tantamount to legitimizing deportation. We also firmly believe that the Security Council is duty-bound to consider immediately the report dated 25 January 1993 submitted by the Secretary-General [*S/25149*]. In resolution 799 (1992), the Council decided to keep the matter actively under review, and it should therefore do so.

I would be grateful if you could arrange to have the text of the present letter distributed as an official document of the General Assembly and of the Security Council.

(*Signed*) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

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[*] Circulated under the double symbol A/47/882-S/25242.

DOCUMENT S/25247*

Letter dated 8 February 1993 from the representative of Yugoslavia to the Secretary-General

[*Original: English*]
[*8 February 1993*]

I have the honour to transmit herewith a statement by Mr. Ilija Djukic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia.

I should be grateful if you would have this letter and the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

TEXT OF THE STATEMENT

I have been authorized by the President of the Federal Republic of Yugoslavia to make the following statement:

> The Federal Republic of Yugoslavia supports the plan of the Co-Chairmen [*of the Steering Committee of the International Conference on the Former Yugoslavia*] as the most complete and realistic framework for establishing just and lasting peace in Bosnia and Herzegovina and is using all its influence so that the plan will be accepted.
>
> Yugoslavia is aware that the plan is not ideal, since it contains certain shortcomings. These, however, can be ironed out through further negotiations. The establishment of peace is in the best interest of all three peoples - Muslim, Serb, Croat - and that is why we are calling on all sides involved to say "yes" to the plan.
>
> The Federal Republic of Yugoslavia has from the beginning of the work of the Conference given full support to the peace process and the tireless efforts of the Co-Chairmen.
>
> Despite consistent calls for the use of force by some parties and others concerned, Yugoslavia is convinced that there is no alternative to a political solution reached by all three sides to the tragic civil war in Bosnia and Herzegovina.
>
> I have informed the President of the Security Council and Mr. Vance and Lord Owen of our continuing support for their plan and our readiness to assist in the reaching of a just and lasting peace in Bosnia and Herzegovina.

DOCUMENT S/25248

Report of the Secretary-General on the New York Round of the Peace Talks on Bosnia and Herzegovina (3-8 February 1993)

[*Original: English*]
[*8 February 1993*]

INTRODUCTION

1. In my report of 2 February 1993 to the Security Council [*S/25221*], I related the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to help to bring about peace in Bosnia and Herzegovina. I endorsed the peace package put forward by the Co-Chairmen as a just and viable settlement for all sides.

2. The Co-Chairmen, Cyrus Vance and Lord Owen, decided to hold a round of the peace talks in New York in order to be closer to members of the Security Council so that the good offices of the Council could be used to advantage in helping the three sides to overcome their outstanding differences. Accordingly, since coming to New York on 1 February, the Co-Chairmen have had extensive discussions with members of the Security Council, meeting in groups, and have also negotiated intensively over Friday, Saturday and Sunday, 5 to 7 February, with the three sides.

I. DISCUSSIONS WITH MEMBERS OF THE SECURITY COUNCIL

3. The Co-Chairmen met the President of the Security Council on 2 February. The same day they met with the five permanent members of the Council. On the following day, they met with the non-aligned members of the Council and also with the remaining five members.

4. The Co-Chairmen explained the process that had led them to propose their peace package and the factors that had influenced the contents of that package. They also reported the attitudes of the three sides participating in the peace talks.

5. The Co-Chairmen emphasized to the members of the Security Council their rejection of "ethnic cleansing", their strongly held view that human rights and fundamental freedoms must be woven into the peace package, their insistence that Bosnia and Herzegovina should remain a sovereign, independent, integral and multi-ethnic State in which all parts of the population could live in peace in accordance with their respective cultures and traditions.

6. The Co-Chairmen further explained that their priorities were to stop the conflict; to develop a constitution for Bosnia and Herzegovina in accordance with the constitutional principles that had been signed by the three sides [*S/25100, appendix III*]; and to devise interim arrangements for the period until elections could be held pursuant to the new constitution - all to be consistent with the principles laid down by the Security Council and at the London session of the Conference. The Co-Chairmen also explained their concerns about the danger of the conflict spreading. In this regard, the Co-Chairmen have continued to maintain the view that even a selective lifting of the arms embargo would not be in the interest of peace or of human rights but could, instead, lead to a devastating conflagration engulfing the Balkan region.

7. The Co-Chairmen conveyed their assessment to the members of the Security Council that the peace package that they had put forward was enforceable. In their estimation, a United Nations force of 15,000 to 25,000 would be required to implement the package in Bosnia and Herzegovina.

8. The Co-Chairmen repeatedly and strongly urged the members of the Security Council to establish an international criminal court to try persons accused of grave breaches of international humanitarian law in former Yugoslavia.

9. The Co-Chairmen also met with the Contact Group of the Organization of the Islamic Conference and developed many of the same points. During the weekend of 6 and 7 February 1993, the Co-Chairmen also spoke to Minister for Foreign Affairs Djukic of the Federal Republic of Yugoslavia (Serbia and Montenegro) and briefed him on their efforts. He said that he and his Government continued to express fullest support for the Co-Chairmen and their plan.

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* Circulated under the double symbol A/48/79-S/25247.

II. MEETINGS WITH THE THREE BOSNIAN SIDES

10. The Co-Chairmen held several rounds of discussions with each of the three Bosnian sides.

A. *The Bosnian Government side*

11. The Bosnian Government side took the position throughout the New York round of the talks that it was not willing to discuss either the provincial boundaries or interim governmental arrangements. It also declined to meet together with the other two sides. The delegation raised the issue of the non-implementation of agreements reached at the London session of the International Conference and also the non-implementation of prior decisions of the Security Council. The delegation suggested that work should rather concentrate henceforth on the drafting of a new Constitution for Bosnia and Herzegovina. The Co-Chairmen told the delegation that the most optimistic estimate was that that would take three months.

12. With respect to interim governmental arrangements, the Bosnian Government side wanted them to be built around the existing Government. It reintroduced into the discussion written comments (annex I) that it had presented earlier on a preliminary version of the working paper on interim governmental arrangements [*S/25221, annex V*]. The Co-Chairmen explained that most of the points contained in the written comments had already been accommodated in the working paper on interim governmental arrangements and also indicated why others had not been included.

13. The government delegation proposed that Serb heavy weaponry be placed immediately under international control and offered to do the same. The Co-Chairmen told the delegation that the only way that could be achieved quickly was through adopting their comprehensive peace settlement. As to further measures to deal with heavy weapons, the Co-Chairmen explained that an enforceable no-fly ban would be necessary in the event of a cessation of hostilities and that they were exploring with the United Nations Protection Force (UNPROFOR) the possibility that aircraft assigned to enforcing the no-fly zone might also be empowered to take action against any heavy weapons that have not been declared to UNPROFOR or which were breaching the cease-fire.

14. The Co-Chairmen discussed those elements that they hoped might be included in a future Security Council resolution supporting the peace package. In particular, the Co-Chairmen stressed that UNPROFOR and all other United Nations agencies would need to be authorized to have unobstructed access to anywhere in Bosnia and Herzegovina.

15. In these discussions, the Co-Chairmen indicated that they felt that it would enhance the authority of the proposed International Human Rights Commission for Bosnia and Herzegovina if its establishment was to be directly recommended by the Security Council and could address human rights and humanitarian issues with particular attention to measures for the protection of refugees and displaced persons who wished to return to their homes.

16. The Co-Chairmen also stressed that the establishment of an international criminal court to deal with persons accused of grave breaches of international humanitarian law in the former Yugoslavia would reassure people that, even after a cessation of hostilities, it would be possible to bring perpetrators of war crimes and crimes against humanity to justice.

B. *The Bosnian Serb side*

17. The Bosnian Serb side continued to maintain that many predominantly Serb areas had been excluded from Serb majority provinces. It continued to take the position that it would be ready to accept and to sign the map proposed by the Co-Chairmen [*ibid., annex III*] only if the populations of contested areas were consulted. The Co-Chairmen continued to reject this on the ground, as stated in my previous report [*ibid., para. 11*], that there had been so much "ethnic cleansing" and displacement of population in Bosnia and Herzegovina that it would be wholly impractical to hold democratic consultations.

18. The Bosnian Serb side submitted to the Co-Chairmen a map suggesting wholesale changes in the proposed provincial boundaries. The Co-Chairmen said the other parties were most unlikely to agree, but they agreed to raise again with the Bosnian Government delegation the suggestion, first put on the table in Geneva, to create two new provinces on the eastern border (see annex II). Of particular importance was that the expanded Province No. 4 would be likely to have a majority of Muslims and include a number of towns like Brcko and Janja where Muslims were in the majority while, in Province No. 4 suggested by the Co-Chairmen, the Serbs were likely to form the majority.

19. With regard to interim arrangements, the Bosnian Serb side stated that it could not accept any arrangements that were based on the premise that the existing Constitution of Bosnia and Herzegovina continued to be valid or that the interim Government would be a continuation of the current Presidency. They continued to prefer not to call it the interim central Government but rather the "central coordinating body".

C. *The Bosnian Croat side*

20. It will be recalled that the Bosnian Croat side has already signed the constitutional principles, the map specifying the proposed provincial boundaries and the agreement dealing with military and security issues.

21. In their discussions with the Bosnian Croat side, the Co-Chairmen sought to explore whether any adjustments could be made in the proposed provincial boundaries that would make them more acceptable to the other two sides. The Bosnian Croat side indicated that it was prepared to entertain some changes. It put forward a number of suggestions, particularly in the eastern border of Travnik Province (No. 10) and the western border of Posavina Province (No. 3). A revised map showing the possible changes is contained in annex III to the present document.

III. THE PEACE PACKAGE

22. The Co-Chairmen indicated to the parties their intention to establish a boundary commission, with the participation of the three sides, that would determine the precise delimitation of the provinces consequent on the proposed map, and that might in addition assist the sides in negotiating any possible adjustments.

23. From the foregoing account on the New York round of the peace talks, it will be seen that the possibility of reaching agreed solutions among the three Bosnian sides was reduced by the refusal of the Bosnian Government delegation to meet with the other sides or to discuss provincial boundaries. In the circumstances, the Co-Chairmen were left with the option of maintaining the peace package in the form it was presented to the Security Council in my last report [*S/25221, annexes II-IV*] or to modify it so as to address as far as possible the often-repeated concerns of the two sides that had not yet accepted the map dealing with provincial boundaries.

24. It was the considered judgement of the Co-Chairmen, taking into account the work done at the New York round of the peace talks, that some modifications were possible in the proposed provincial boundaries that might be acceptable to all the parties. Accordingly, they submitted to the Bosnian Croat side, as the party most affected, a revised map of

the provincial boundaries. The map was then presented to the Bosnian Serbs and they rejected it and also reconfirmed their position on the original map put forward by the Co-Chairmen. The Bosnian Government side was given a copy of the revised map for information, but since it was not agreed by all the parties the Co-Chairmen remain committed to their original proposal.

ANNEX I

Comments on the "Interim arrangements for Bosnia and Herzegovina" of the delegation of the Republic of Bosnia and Herzegovina to the International Conference on the Former Yugoslavia, dated 28 January 1993

1. The interim period for the establishment of peace until the adoption of the new Constitution and until the democratic elections take place opens a series of legal and practical questions. We do appreciate the efforts of the Co-Chairmen to restore as soon as possible all the vital functions and the whole territory of Bosnia and Herzegovina. We would like to draw your attention to the most important implications in the case of the application of the interim arrangements.

2. During the process of the international recognition of Bosnia and Herzegovina all the relevant political factors in the world, including the Badinter Commission, established that Bosnia and Herzegovina fulfilled all democratic standards. The legitimacy of its democratically elected organs has not been questioned at all. Even in the situation of the aggression the legitimacy and legality of a State that is defending itself has been maintained. On the contrary, the proposed interim arrangements envisage the suspension of the democratically elected organs and the interruption of the continuity of the constitutional order.

3. This proposal produces two negative effects - it deprives the legally and democratically constituted organs of their legitimacy and at the same time it legalizes the "para-State" structures. Thus legitimate self-defence is negated and aggression is rewarded.

4. The document does not envisage any democratic and institutional framework for the elections of the representatives of three constituent peoples. It also ignores the group "others" and thus deprives a considerable part of the population of its basic democratic right to be represented in the Government. The proposal envisages decision-making by consensus in the coordinating bodies without offering any solution to overcome blockades when consensus cannot be reached. The proposal also ignores the existence of a series of other institutions which are a part of the legal system such as the Central Bank of Bosnia and Herzegovina, the Post and Telecommunications of Bosnia and Herzegovina, the National Power Authority, etc.

5. All these proposals suggest the completion of the ethnic division and of the destruction of Bosnia and Herzegovina that was started by the delimitation of provinces on the ethnic principles and was continued by the proposed constitutional arrangements.

6. In order to avoid these and other negative consequences, we propose that the interim solutions be established according to the current constitutional arrangements.

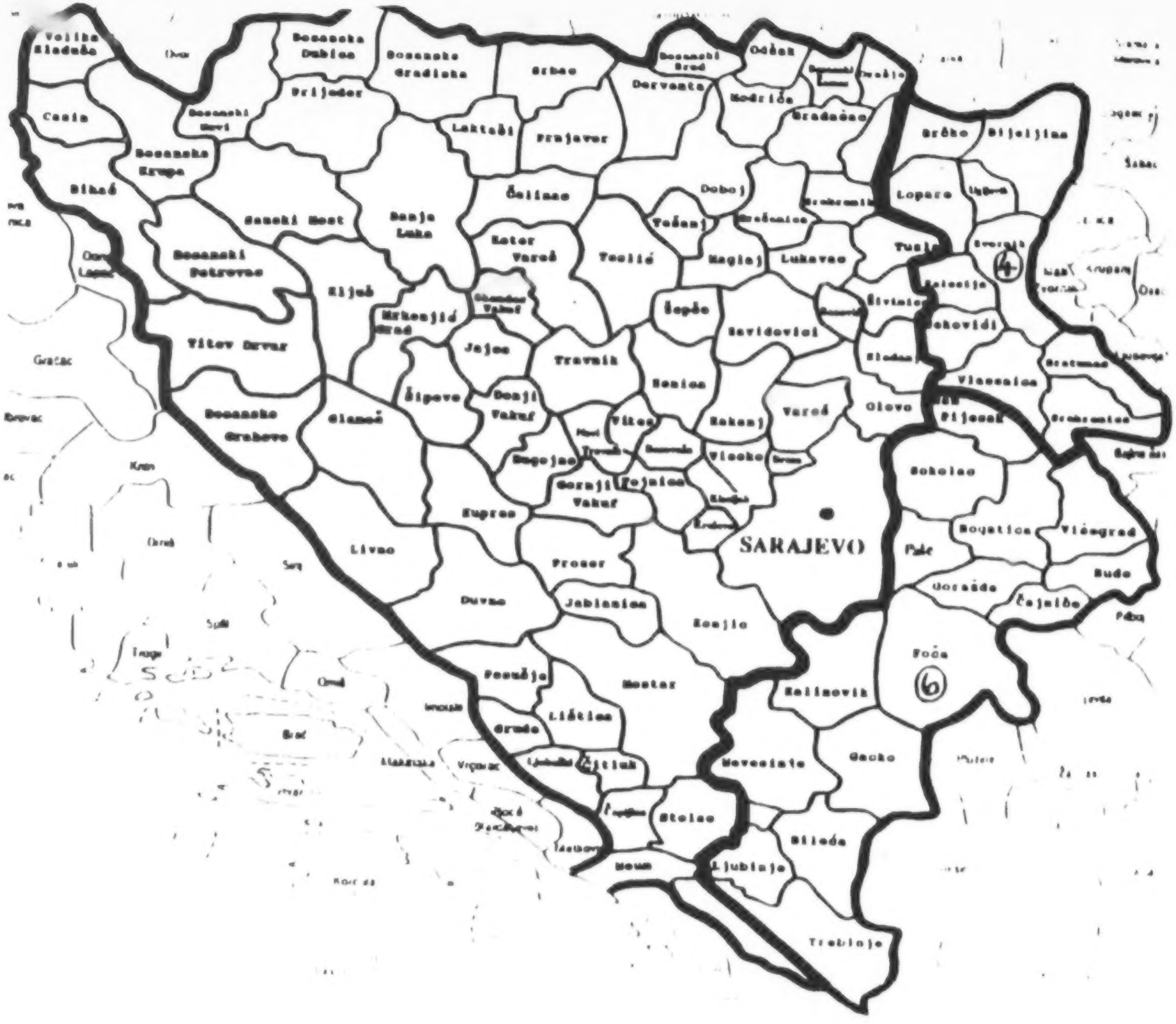
7. According to amendment LXXIII to the Constitution of the Republic of Bosnia and Herzegovina, the Presidency of Bosnia and Herzegovina along with the President of the Parliament and the Government and the Commander-in-Chief of the Bosnia and Herzegovina Army has the role of the Parliament in the situation of war. This body, whose national composition can be balanced, can at the proposal of the International Conference on the Former Yugoslavia appoint an interim Government and establish its terms of reference as well as those of the proposed coordinating bodies. The same body can appoint the coordinating bodies of the provinces in the same way. The Presidency, enlarged for that purpose, would, on the basis of its current constitutional mandate, amend the existing Constitution by issuing a decree with the force of law. The composition of the interim Government, i.e. of another corresponding body, would be ethnically balanced, as envisaged by this proposal. No individual involved in the aggression, war crimes or crimes against humanity and international law could be appointed members of such a body.

8. Since it is unprecedented, and impossible, for one ministerial function to be carried out by three people, the possible solutions are as follows:

(*a*) The representatives of the three nations should alternate after a shorter term in office;

(*b*) The functions of the minister and his two deputies should be clearly defined.

9. These solutions are to be applied until the end of the war. Upon the establishment of peace, the Parliament and other legal institutions of the system should carry out their functions.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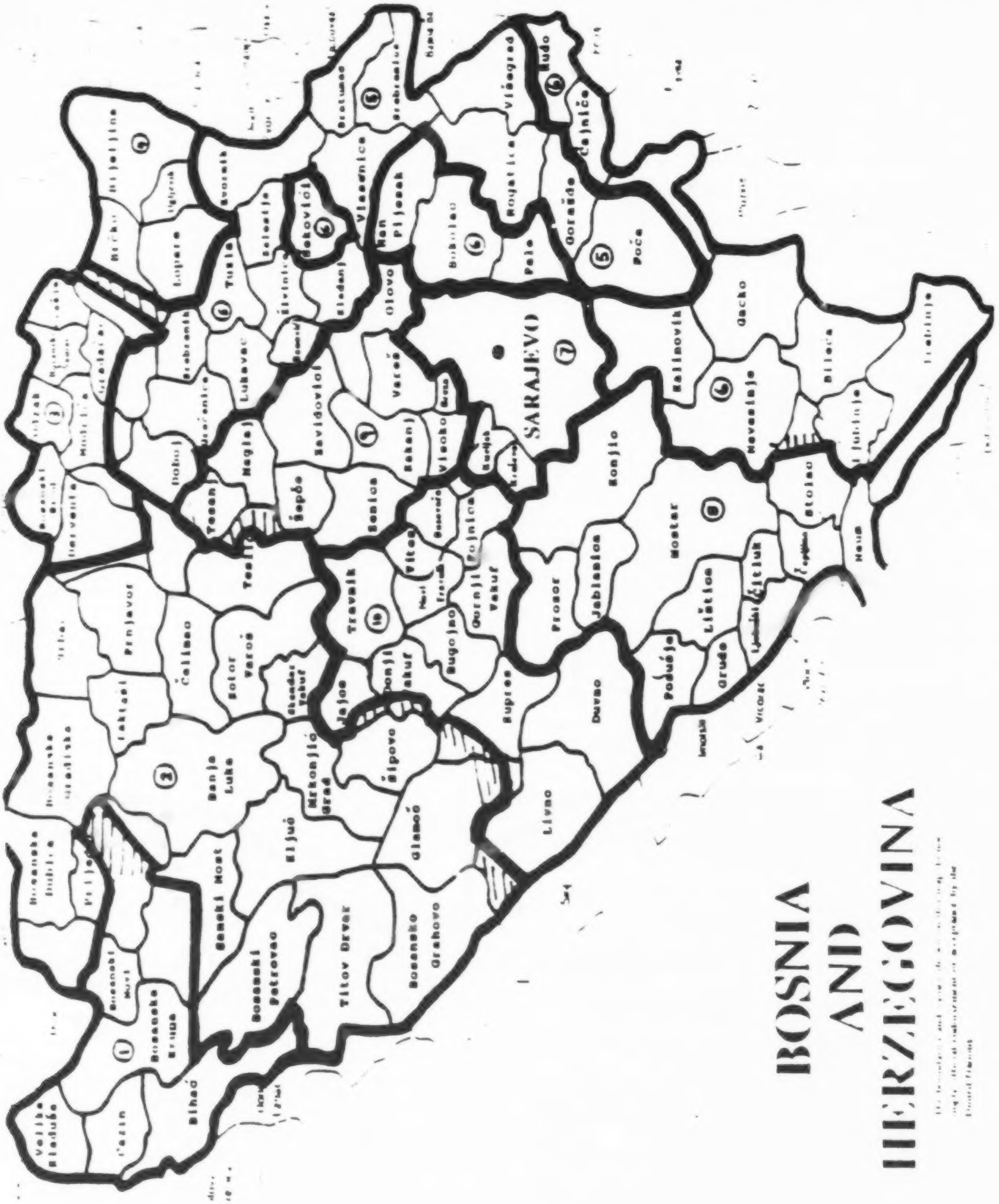
Dvor

DR KARADZIC'S PROPOSAL FOR PROVINCE BOUNDARIES IN EASTERN BOSNIA

Proposed province boundaries: ———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DOCUMENT S/25253

Letter dated 5 February 1993 from the representative of Tajikistan to the Secretary-General

[*Original: Russian*]
[*8 February 1993*]

I have the honour to transmit to you herewith a summary of the statement made by the President of the Supreme Council of the Republic of Tajikistan, Mr. E. Rakhmonov, at the meeting of Heads of State and Government of the Commonwealth of Independent States at Minsk.

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Lakim K. KAYUMOV
Permanent Representative of
Tajikistan to the United Nations

SUMMARY OF THE STATEMENT

The tragic and destructive consequences of the protracted civil conflict in Tajikistan have caused unprecedented human suffering and extensive economic and material damage.

The fratricidal war has claimed more than 20,000 lives and destroyed the lives of many others. The Tajiks have become refugees in their own land. There are more than 540,000 officially registered refugees, of whom 120,000 are in Dushanbe alone.

The war has caused irreparable damage to the national economy. All of the country's economic development plans have remained virtually unimplemented. The national income derived from production has declined by 31 per cent in comparable prices.

The country's agricultural complex, transport system, housing stock and social sphere have been severely damaged.

Instability has had an adverse effect on our internal development. Democracy and development are interrelated; however, although democracy is a factor of development, development itself is an indispensable condition for genuine democracy.

The new constitutional Government of the Republic of Tajikistan is undertaking vigorous efforts and emergency measures to bring about the speedy stabilization of the situation in the political, economic, social, humanitarian and legal fields.

With a view to preventing further bloodshed, achieving peace and national reconciliation, the Supreme Council of the Republic of Tajikistan adopted the General Amnesty Act, which exempts persons who committed illegal acts during the period from 27 May to 25 November 1992 from criminal, disciplinary and administrative liability.

The next step in this direction was the adoption by the Supreme Council of Tajikistan of the Decree on the Confiscation of Arms from the Population and the Disarming of Illegal Armed Formations. So far, approximately 2,500 weapons and a large quantity of military equipment and ammunition have already been confiscated. Government forces have gained control of almost the entire territory of the Republic and are taking measures to suppress isolated attacks by illegal armed groups that refuse to comply with the aforementioned Decree, evade the order to turn in their weapons and reject the peace proposals put forward by the Republic's leaders.

A particularly important measure was the adoption of the Refugee Act, under which all refugees and their families who have registered with the proper authorities, receive certain privileges that include, first of all, assistance to the most vulnerable sectors of the population. According to preliminary estimates, the cost of providing humanitarian assistance to refugees is about 10 billion roubles.

Owing to the unstable socio-political and economic situation caused by the war, migration has increased, and people have begun to leave the Republic. In 1992, over a period of only nine months, 70,000 people, including 44,000 able-bodied people, left Tajikistan. It is estimated that more than 3 billion roubles will be needed just to train personnel to replace those who emigrated.

Faced with an economic crisis and a fratricidal war that have had a calamitous effect on the country, we understand that it is incredibly difficult for the Republic to cope with its problems alone. In this connection, I should like to express my sincere gratitude and thanks to the peoples and Governments of the countries members of the Commonwealth of Independent States for their selfless fraternal assistance, and especially Mr. Boris Nikolaevich Yeltsin, Mr. Islam Abduganyevich Karimov, Mr. Nursultan Abishevich Nazarbaev and the Heads of State and Government and the peoples of Kyrgyzstan, Turkmenistan, Armenia, Ukraine and Belarus.

The Tajiks will never forget the kindness and noble-mindedness of those who, in spite of their own difficulties and problems, held out a helping hand. When, as the result of a blockade, the populations of such large oblasts as Kulyab and Kurgan-Tyube were faced with starvation and epidemics, the assistance provided by these States made it possible to alleviate the plight of people not only in these oblasts but also in many other districts of our country that were experiencing acute shortages of food, medicine, fuel and so on.

The Parliament and Government of Tajikistan are taking all necessary measures to ensure the country's rapid return to normal. At present, transport and vital lines of communication have been practically restored. Constitutional organs are being reinstated in southern Tajikistan: law-enforcement agencies, courts and the office of the public prosecutor are being re-established. Everything is being done to ensure a peaceful and tranquil life for the population.

Our national policy can be productive only if there is a favourable external climate.

The Republic of Tajikistan is a subject of international law and a Member of the United Nations. It participates in the work of the Conference on Security and Cooperation in Europe and a number of other influential international and intergovernmental organizations, and has acceded to many conventions and treaties.

In its foreign policy, the Republic of Tajikistan is guided by the fundamental principles of respect for the sovereignty, national independence and territorial integrity of other States, the rejection of confrontation and the settlement of disputes and conflict by exclusively peaceful, political means, and mutually advantageous cooperation on the basis of equality with all interested countries.

Bearing in mind its geographical and geopolitical position and the traditional historic ties among the peoples of the Central Asian region, Tajikistan will broaden and strengthen its friendly and good-neighbourly relations with its closest neighbours - Uzbekistan, Kyrgyzstan, Turkmenistan and Kazakhstan - and also with other States members of the Commonwealth of Independent States and the former republics of the Soviet Union, with which it has established solid inter-State relations in recent years.

I must underscore that, recognizing the Charter of the United Nations and scrupulously observing the provisions of the Helsinki Final Act, the Charter of Paris for a New Europe, the Universal Declaration of Human Rights and other international instruments, Tajikistan will adhere to the universally recognized norms of inter-State relations, and will base its foreign and domestic policy on such norms, defend the primacy of law and vigorously suppress any attempts to violate human rights and democratic freedoms. Our Government will be able to guarantee the equality of all its citizens, their rights and fundamental freedoms, irrespective of national, racial, religious or other affiliation. The observance of human rights can stimulate creativity, innovation and initiatives, thereby making all human rights - civil, political, economic, social and cultural - not only a moral imperative but an important factor in the country's development.

I have stated many times and I repeat before you now that we are seeking to build a democratic secular State based on the rule of law. In particular, I should like to emphasize that, after the new legitimate leadership came to power in the country, not a single political party or a single opposition newspaper was banned, although there were more than ample legal grounds for doing so. We are for the establishment of a pluralistic democracy based on legality, and we advocate an open, constructive and businesslike dialogue with all parties and social organizations whose policies are based on the interests of the nation and all peoples and concern for the country's future. We are in favour of a civilized path of development for Tajikistan. The human person must be the cornerstone of our development process: only a free and active person can help develop our country. We oppose those who, while paying lip service to such high ideals as democracy and respect for human rights, do not propose anything constructive or practical to ensure the rapid stabilization of the situation in the country.

We are fully aware that the future of our country presupposes the active participation of the entire population of Tajikistan in public affairs. We can achieve this only by establishing democracy, ensuring respect for human rights and guaranteeing transparency in the conduct of State affairs.

Yes, we recognize that, in spite of the measures that we have taken so far, not everything in our country is going smoothly, the situation is not entirely calm: shots ring out from time to time and human blood is spilled. Some leaders of the opposition forces who unleashed the fratricidal war in order to seize power and who have now fled abroad, make various statements about the communists coming to power, the persecution and murder of people for political reasons or because of their devotion to Islam. All this has nothing to do with reality. Tajikistan is a multinational State, and representatives of diverse nations and ethnic groups have lived and are living here in a spirit of harmony and tolerance, and will continue to do so. The representatives of all denominations may freely profess their faith and perform their religious rites and rituals.

The overwhelming majority of the country's population is Muslim. We ourselves, as sons of this land and Muslims, honour our faith, national values and traditions. We have never fought against Islam or other political tendencies but only against Islamic fundamentalist fanatics and extremists who attempted to use violent and anti-democratic methods to seize power and establish a new totalitarian fundamentalist regime in Tajikistan.

DOCUMENT S/25254

Letter dated 8 February 1993 from the representative of Azerbaijan to the President of the Security Council

[*Original: Russian*]
[*8 February 1993*]

I have the honour to transmit to you the text of a statement adopted by the Ministry of Foreign Affairs of the Azerbaijani Republic on 7 February 1993 in connection with the new acts of aggression perpetrated by the Republic of Armenia against Azerbaijan.

I should be grateful if you would have this letter and the statement circulated as a document of the Security Council.

(*Signed*) Hassan A. HASSANOV
Permanent Representative
of Azerbaijan to the United Nations

TEXT OF THE STATEMENT

On 6 and 7 February, having disrupted the relative calm at the front, elements of an Armenian expeditionary force backed by armoured vehicles seized seven villages in the northern part of Upper Karabakh in the Azerbaijani Republic. The population in areas bordering the Kazakh District were exposed to heavy shelling from Armenian territory.

Having informed the whole world of its alleged plight, Armenia is continuing its war of aggression against sovereign Azerbaijan. It is obvious that Armenia, in an effort to appear the innocent victim in the eyes of the international community, has absolutely no interest in a peaceful settlement of the Armenian-Azerbaijani conflict. Requests for assistance to the Republic, which is being "suffocated by the blockade and the energy crisis", are being used by Armenia only to cover its own aggressive aims, as the events of recent days show.

Armenia is using the so-called humanitarian aid it receives from abroad not to solve the social and economic problems of the Republic and its own people but to continue its aggressive war of conquest against Azerbaijan.

Such acts by the Armenian side do not promote the search for a political settlement to the Armenian-Azerbaijani conflict and may thwart the peacemaking efforts of the organizers of the Minsk conference of the Conference on Security and Cooperation in Europe, in the framework of which a new round of talks is scheduled to be held in Rome on 22 February.

The Ministry of Foreign Affairs of the Azerbaijani Republic calls upon all States to condemn Armenia's aggressive policy, demand the withdrawal of its occupying troops from Azerbaijani territory, and end the bloody war in Azerbaijan.

DOCUMENT S/25255

Letter dated 8 February 1993 from the representative of Kuwait to the President of the Security Council

[*Original: Arabic*]
[*8 February 1993*]

On instructions from my Government, I wish to transmit to you the following communiqué issued on 7 February 1993 by the Council of Ministers of the State of Kuwait concerning the Security Council's adoption of resolution 806 (1993):

"The Council of Ministers expresses its deep satisfaction at and welcomes the resolution recently adopted by the Security Council for the strengthening of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) and the increasing of its personnel, in order to put a halt to the repeated violations of and attacks on Kuwaiti territorial sovereignty carried out by the forces of the Iraqi regime and so that UNIKOM may undertake its task of maintaining peace between Kuwait and Iraq in accordance with the provisions of Chapter VII of the Charter of the United Nations.

"The recent resolution of the Security Council gives UNIKOM the necessary power and means to enforce Council resolutions affirming the inviolability of the international boundary between Kuwait and Iraq.

"The Council of Ministers commends the role assumed by the international Organization in the establishment of peace in the world and the significance of this resolution, which serves to affirm the international community's realization of the fact of the aggressive intentions of the Iraqi regime and its insistence on maintaining its policy aimed at obstructing the implementation of international resolutions and threatening security and stability in the area.

"Kuwait reaffirms its faith in the role being played by the United Nations and the Security Council and the role of the Secretary-General and affirms that it will support and back this resolution by all available means in order to ensure the full attainment of its objectives and the achievement of security and stability in the area."

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammad A. ABULHASAN
Permanent Representative
of Kuwait to the United Nations

DOCUMENT S/25256

Letter dated 8 February 1993 from the representative of India to the Secretary-General

[*Original: English*]
[*9 February 1993*]

I have the honour to transmit herewith a copy of a statement issued on 8 February 1993 by the Ministry of External Affairs of the Government of India on Bosnia and Herzegovina.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

(*Signed*) M. H. ANSARI
Permanent Representative
of India to the United Nations

TEXT OF THE STATEMENT

India has seen reports of the peace plan for Bosnia and Herzegovina discussed in the International Conference on the former Yugoslavia in Geneva recently, reports which will be considered further in New York. India expresses support for the efforts of Mr. Cyrus Vance and Lord David Owen in their strenuous efforts to arrive at a peaceful settlement in Bosnia and Herzegovina, taking into consideration the interests of all the parties concerned. Pending acceptance of this plan by all three communities of Bosnia and Herzegovina, India expresses the hope that all parties will desist from any actions which will not be conducive to a full and detailed consideration of the merits of the plan. India reiterates that the only solution to the crisis in Bosnia and Herzegovina lies in political agreements which would be strictly implemented by all parties and made irreversible.

DOCUMENT S/25258

Letter dated 9 February 1993 from the representative of Israel to the President of the Security Council

[*Original: English*]
[*9 February 1993*]

I have the honour to inform you of the decision taken by the Government of Israel at a special session of the cabinet held on 1 February 1993 regarding the temporarily excluded members of Hamas and Islamic Jihad. The following are the operative paragraphs of the decision:

"1. Israel will allow the return of 101 deportees to the locations from which they were temporarily deported. Those returning will be from among those whom the circumstances surrounding their temporary deportation were relatively less severe in comparison to the others. Cases will be considered on an individual basis, as was the case concerning the reasons behind the temporary deportations.

"2. The military commanders will be instructed to reduce by one half the term of the deportation for the deportees against whom the temporary deportation will remain in force.

"3. With regard to the deportees against whom the temporary deportation will remain in force, the decisions of the Supreme Court will be carried out, and in particular, the right to appeal before an advisory committee (including contact with an attorney), in addition to a review of the security information regarding those who do not submit an appeal.

"4. As is necessary, humanitarian provisions to the temporary deportees will be allowed by helicopter."

The decision of the Government of Israel was an act of good faith on Israel's part and, consistent with the principle of Security Council resolution 799 (1992), it provides that all the excluded persons will be allowed to return by the end of 1993.

Israel's decision does not in any way minimize the dangerous threat which Hamas and its terrorists represent both *vis-à-vis* Israel and *vis-à-vis* the peace process as a whole.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Gad YAACOBI
Permanent Representative
of Israel to the United Nations

DOCUMENT S/25259*

Letter dated 9 February 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*9 February 1993*]

I have the honour to address you regarding my Government's concern for certain information contained in the report of 8 January 1993 of the Special Commission of Inquiry into the assassination of Mr. Hakija Turaljic, Deputy Prime Minister of the Republic of Bosnia and Herzegovina [*S/25130*]. Specifically, my Government is distressed that the report notes, among other things, that the United Nations Protection Force (UNPROFOR) has banned flights of humanitarian aircraft originating from Islamic countries generally, and carrying Turkish or Iranian insignia specifically, into Sarajevo Airport.

My Government believes that the implementation of such a policy not only is prejudicial to the basic doctrine of equality among Member States, but also amounts to appeasement of the demands of those aggressor forces which have given rise to the need for humanitarian relief in the first place. Moreover, UNPROFOR's policy banning flights originating from Islamic countries, including Turkish and Iranian aircraft, to Sarajevo Airport is contrary to UNPROFOR's stated mission: assuring the safe delivery of humanitarian assistance.

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*Circulated under the double symbol A/47/886-S/25259.

The Presidency of the Republic of Bosnia and Herzegovina therefore implores you to take all necessary steps to reverse UNPROFOR's flight ban.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25262

Letter dated 8 February 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[9 February 1993]

Today, the Permanent Mission of the Republic of Bosnia and Herzegovina to the United Nations received disturbing information from the Command of the 2nd Army Corps of the Territorial Defense of Bosnia and Herzegovina in the Tuzla region, regarding intensified aggression by Serbian and Montenegrin extremist forces.

On 7 February 1993, the aggressor forces employed Howitzer cannons, anti-tank and anti-aircraft guns, mortars, and multi-barreled rocket launchers from the ground, and both fixed-wing and rotary-wing aircraft which launched napalm and cluster bombs in attacks against the towns of Cerska, Konjevic Polje, and Kamenica. These latest attacks resulted in excess of 100 casualties and an influx of 4,000-plus refugees from these towns into the already overburdened city of Tuzla. These refugees reported that, given the continued attacks and the deteriorating situation, that another 5,000 refugees from the above-mentioned towns could be expected to arrive in Tuzla over the next two to three days.

Serbian and Montenegrin forces also launched a renewed offensive against the town of Bosanski Posovina in another blatant attempt to establish a corridor linking the Republic of Serbia to Serbian extremist-held territory in the Republics of Bosnia and Herzegovina and Croatia.

Furthermore, Serbian and Montenegrin extremist forces have not allowed humanitarian aid to reach the besieged town of Zepa, and as a result, 25 people, 9 of them children, perished from hunger on 7 February.

In response to the renewed aggression, and in the light of the absence of international protection or a means for self-defence, the Command of the 2nd Army Corps of the Territorial Defense of the Republic of Bosnia and Herzegovina has stated that its only remaining option in deterring the aggressor forces is to position chlorine-filled railroad tankers within range of the artillery of the Serbian and Montenegrin extremist forces. The tankers have a destructive capacity that could wreak environmental havoc in Austria, Bulgaria, Croatia, Hungary, Italy, Romania, Serbia, Slovenia, not to mention Bosnia and Herzegovina.

The Command of the 2nd Army Corps of the Territorial Defense of the Republic of Bosnia and Herzegovina also stated that, having made numerous unanswered appeals for help to the Security Council, and having forewarned, through the Mission, the international community and the Security Council of the current situation, it placed all responsibility upon the international community and the Security Council for any environmental and biological catastrophe that may occur.

The Mission wishes to inform the Security Council that representatives of the Government of the Republic of Bosnia and Herzegovina in Sarajevo and in New York have attempted to convince Tuzla authorities to resist such actions, but regretfully, have had no success.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25263

Note verbale dated 5 February 1993 from the mission of Bulgaria to the President of the Security Council

[Original: English]
[10 February 1993]

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the President of the Security Council and has the honour, through the President, to raise the following questions before the Security Council with a view to improving the coordination of efforts for the strict observance of the sanctions regime on the Danube:

- Regarding the recent flagrant violations of Security Council resolutions by Yugoslav vessels carrying oil to Serbia by way of the Danube, is there a clear mandate stipulated in Security Council resolution 787 (1992), paragraph 13, for the use of armed force in order to enforce the provisions of the resolution and under what circumstances could such a measure be applied?

- What is the interrelation between resolution 787 (1992), paragraph 13, and Chapter VII of the Charter of the United Nations, in particular Articles 41 and 42? It is our understanding that resolution 787 (1992), paragraph 13, is based on Article 41, which deals with measures not involving the use of armed force. The legitimacy and the mechanisms for undertaking military actions are comprehensively specified in Chapter VII of the Charter. Any military actions by a State Member of the United Nations should be based on the provisions of this Chapter.

- In case Bulgaria unilaterally undertakes military actions in implementation of the Security Council resolutions, what kind of guarantees would be provided by the Council for the security, sovereignty and territorial integrity of Bulgaria?

- If, as a result of enforcement actions, pollution of the waters, riverbanks and the environment of the Danube and the Black Sea should occur, what would the readiness be on the part of the international community to share the responsibility as well as the financial burden that the rehabilitation works would place on the riparian States? In such circumstances Bulgaria would also need additional assistance owing to the necessity of an emergency shutdown of the Kozloduy Nuclear Power Station, located on the bank of the Danube and in proximity to the Bulgarian-Serbian border.

- The recent incidents involving Serbian tugboats towing allegedly prohibited petroleum products on the Danube have demonstrated that there is no efficient international mechanism for ensuring the strict observance of resolution 787 (1992). What is the view of the Security

Council regarding possible deployment of United Nations sanctions enforcement units at the Danube delta and along the Bulgarian and the Romanian banks of the river, as well as sending ships under the United Nations flag, with the mandate to undertake enforcement measures, including the use of military force, in order to effectively ensure the implementation of the Security Council sanctions against Serbia and Montenegro? Bulgaria is ready to assist in the deployment of such a contingent along the Bulgarian bank of the Danube.

DOCUMENT S/25264*

Further report of the Secretary-General pursuant to Security Council resolution 743 (1992)

[*Original: English*]
[*10 February 1993*]

INTRODUCTION

1. In its resolution 743 (1992) of 21 February 1992, the Security Council decided to establish, under its authority, for an initial period of 12 months, a United Nations Protection Force (UNPROFOR) in accordance with the Secretary-General's report of 15 February 1992 [*S/23592*] and the United Nations peace-keeping plan [*S/23280, annex III*]. The present report is intended to provide a basis for the Security Council to take appropriate action on the future of the Force before its mandate expires on 21 February 1993.

I. MANDATE AND FUNCTIONS OF UNPROFOR

2. In successive resolutions since the adoption of resolution 743 (1992), the Security Council has added to the responsibilities of UNPROFOR. The Force's operational mandate currently extends to five Republics of the former Yugoslavia - Croatia, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia - and it has a liaison presence in the sixth, Slovenia. Its functions in the three Republics where it is principally operational are summarized below. A table on the overall strength and the deployment of UNPROFOR is attached as annex I. (A map showing the deployment of UNPROFOR as of February 1993 is attached to the present report [*see end of volume*].)

A. *Croatia*

3. Under the terms of the original United Nations peace-keeping plan, UNPROFOR was intended to "be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis" [*S/23280, annex III, para. 1*]. To this end, it was deployed in three United Nations Protected Areas (UNPAs) in Croatia, corresponding largely to areas where intercommunal tensions had led to armed conflict. The plan accepted by the parties to the conflict rested on two central elements: on the one hand, the withdrawal of the Yugoslav People's Army (JNA) from all of Croatia and the demilitarization of the UNPAs; on the other, the continued functioning, on an interim basis, of the existing local authorities and police, under United Nations supervision, pending the achievement of an overall political solution to the Yugoslav crisis under the auspices of the European Community's Conference on Yugoslavia. UNPROFOR was required to ensure that the UNPAs remained demilitarized and that all persons residing in them were protected from fear of armed attack. In addition to military personnel, United Nations civilian police monitors were to ensure that the local police carried out their duties without discrimination against any nationality and with full respect for the human rights of all residents of the UNPAs. The Force was also to provide all appropriate support to facilitate the return to their homes of all persons displaced by the hostilities who wished to return [*ibid., paras. 7-20*].

4. In its resolution 762 (1992) of 30 June 1992, the Council additionally authorized UNPROFOR to undertake monitoring functions in the "pink zones" of Croatia, by which was meant Serb-controlled areas lying outside the UNPAs, where hostilities had continued [*S/24188, para. 16*]. It also recommended the establishment of a Joint Commission chaired by UNPROFOR and consisting of representatives of the Government of Croatia and of the local authorities in the region, with the participation of the European Community Monitoring Mission (ECMM), to oversee and monitor the process of the restoration of authority by the Croatian Government in the "pink zones". The tasks assigned to UNPROFOR included verifying the immediate withdrawal of the Croatian Army, territorial defence forces and any irregular units from the "pink zones", particularly the Miljevac plateau, supervising the restoration of authority by the Croatian police and the re-establishment of the local police in proportion to the demographic structure of the areas prior to the conflict and monitoring the maintenance of law and order by the existing police forces, with particular regard to the well-being of minorities.

5. In resolution 769 (1992) of 7 August 1992, the Council authorized UNPROFOR to carry out immigration and customs functions on the international borders of certain areas in Croatia where the boundaries of the UNPAs coincide with international frontiers. Finally, in resolution 779 (1992) of 6 October 1992, the Council authorized UNPROFOR to assume responsibility for monitoring the withdrawal of the Yugoslav Army from, and the demilitarization of, the Prevlaka Peninsula. UNPROFOR's current authorized military strength for the performance of all the above tasks in Croatia is just under 14,000 all ranks (see annex I).

B. *Bosnia and Herzegovina*

6. The peace-keeping plan approved by the Council in resolution 743 (1992) envisaged that the headquarters of UNPROFOR would be located in Bosnia and Herzegovina, and that UNPROFOR military observers would undertake patrolling functions in certain limited areas of that Republic following the demilitarization of the UNPAs in Croatia. Accordingly, in March 1992 UNPROFOR established its headquarters in Sarajevo, which was chosen as a neutral location unaffected by the conflict that had erupted in Croatia. It was also hoped that its presence might serve as a stabilizing factor amidst the increasing tensions that had arisen in Bosnia and Herzegovina. This hope was rapidly belied by the outbreak of fighting in Bosnia and Herzegovina and UNPROFOR's senior command found itself severely handicapped in executing its primary mandate relating to the UNPAs. The bulk of UNPROFOR's headquarters staff was therefore relocated temporarily to Belgrade on 16 and 17 May 1992. UNPROFOR subsequently established its headquarters in Zagreb.

7. Despite the relocation of its headquarters, UNPROFOR left behind some 120 persons in Sarajevo under the command of the Chief Military Observer. This UNPROFOR group became the only international presence in Bosnia and Herzegovina when ECMM and the International Committee of the Red Cross (ICRC) withdrew their personnel after violence had been directed against them, causing one fatality in each case. As a result, UNPROFOR found itself not only facilitating, but also leading negotiations between the parties both on specific ad hoc problems and on arrangements for an overall cease-fire, as well as lending its good offices to promote humanitarian actions for which it did not, strictly speaking, have a mandate from the Security Council. Once UNPROFOR had concluded an agreement on 5 June 1992 permitting

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*Incorporating document S/25264/Corr.1 dated 12 February 1993.

the reopening of Sarajevo Airport under its auspices, its formal mandate in Bosnia and Herzegovina followed, and was defined by, this agreement.

8. In resolution 761 (1992) of 29 June 1992, the Security Council authorized UNPROFOR to take over full operational responsibility for the functioning and security of Sarajevo Airport. This included ensuring the immediate security of the airport and its installations, supervising its operations, controlling its facilities and organization, facilitating the unloading of humanitarian cargo and ensuring the safe movement of humanitarian aid and related personnel [*S/24075, para. 4*]. In addition, UNPROFOR was to verify the withdrawal of anti-aircraft weapons systems from within range of the airport and its approaches and monitor the concentration of artillery, mortar, and ground-to-ground missile systems in specified areas which would be agreed by it. This task was performed initially by one large, and subsequently three smaller, infantry battalions, together with necessary support elements including military observers and civilian police (a total of some 1,900 all ranks).

9. Following widespread reports of attacks upon civilians, human rights abuses and shortages of food and medicine throughout the Republic, the Security Council, on 13 August 1992, adopted resolution 770 (1992), in which, acting under Chapter VII of the Charter, it called upon States to take all measures necessary to facilitate the delivery of humanitarian assistance where necessary in Bosnia and Herzegovina. In further discussions, however, it was decided that that task should be entrusted to UNPROFOR. In resolution 776 (1992), which was adopted on 14 September 1992 and which made no reference to Chapter VII, the Council authorized UNPROFOR to support the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) to deliver humanitarian relief throughout Bosnia and Herzegovina, and in particular to provide protection, at UNHCR's request, where and when UNHCR considered such protection necessary [*S/24540, para. 6*]. In the resolution the Council noted with appreciation the offers of a number of Member States to make available military personnel for this purpose without cost to the Organization. It also authorized UNPROFOR to protect convoys of released detainees if requested to do so by ICRC. A separate Bosnia and Herzegovina Command was established within UNPROFOR to implement resolution 776 (1992), with a total of some 7,800 all ranks in addition to Sector Sarajevo.

10. In resolution 781 (1992) of 9 October 1992, the Security Council established a ban on military flights in the airspace of Bosnia and Herzegovina, and authorized UNPROFOR to monitor compliance with it, including by placing observers where necessary at airfields in the territory of the former Yugoslavia. It also instructed UNPROFOR to ensure, through an appropriate mechanism for approval and inspection, that the purpose of flights to and from Bosnia and Herzegovina, other than those banned, was consistent with Council resolution 781 (1992). The ban and the above arrangements were reaffirmed in resolution 786 (1992) of 10 November 1992. A total of 75 additional United Nations military observers were authorized for this task.

C. *Macedonia*

11. In resolution 795 (1992) of 11 December 1992, the Security Council authorized the establishment of a presence of UNPROFOR in the former Yugoslav Republic of Macedonia to monitor and report any developments in the border areas which could undermine confidence and stability in Macedonia and threaten its territory. This task would be performed by an infantry battalion and a group of 35 United Nations military observers who would be deployed on the Macedonian side of the Republic's border with the Federal Republic of Yugoslavia (Serbia and Montenegro) [*S/24923, para. 3*]. A small group of United Nations civilian police would also be deployed in the border areas, with the consent of the Government.

II. FULFILMENT OF UNPROFOR'S MANDATE

A. *Croatia*

12. UNPROFOR's experience during the first 11 months of its existence has been a mixed one. In Croatia, its principal success has been in ensuring the complete withdrawal of JNA from the territory of that Republic, including the Prevlaka Peninsula, in accordance with resolutions 743 (1992) and 779 (1992). Until the fourth week of January 1993 it could also be said that UNPROFOR's presence had helped to prevent a recurrence of hostilities in the UNPAs and "pink zones". However, as I have pointed out in several earlier reports to the Council [*S/24848, paras. 10-20, 44 and 45, S/24600, paras. 4-22, S/24353, paras. 2-10 and S/24188*], non-cooperation by the local Serb authorities has prevented UNPROFOR from achieving the demilitarization of the UNPAs and the disarming of the Serb Territorial Defence and irregular forces in these areas and in the "pink zones". The Serb local authorities have taken the position that official and public threats by the Croatian authorities to resort to force, frequent cease-fire violations and repeated armed incursions have made it impossible for them to implement full demilitarization.

13. In consequence, UNPROFOR has not been able to establish the conditions of peace and security that would have permitted the voluntary return of refugees and displaced persons to their homes in these areas. Nor has it been able to establish the border controls called for in resolution 769 (1992), although negotiations on this issue were about to recommence when the events described in paragraph 14 below occurred. The civilian aspects of UNPROFOR's activities, notably the efforts of United Nations civilian police to prevent discrimination and abuse of the human rights of residents in the UNPAs, have not, despite UNPROFOR's best efforts, proved fully successful. As I have informed the Council on a number of occasions, an atmosphere of terror and intimidation existed in many parts of the four sectors through much of the first year of the mandate. However, from November 1992 onwards, the situation improved in all but a few areas. The maintenance of law and order was gradually enhanced through the reorganization and redeployment of the local police. The carrying of "long arms", in breach of the agreed plan, greatly diminished, and by January 1993 such arms were being carried only by the "border militia". The Serb authorities had informed UNPROFOR that these, too, would be withdrawn once they were sure that UNPROFOR could exercise full protection against Croatian incursions across the line of confrontation.

14. On 22 January 1993, however, the Croatian Army began a bombardment of Maslenica and other locations in the southern part of Sector South and the adjacent "pink zones", launching an offensive that resulted in the deaths of two UNPROFOR soldiers and injuries to four more. The Croatian Government stated that it took this action out of impatience with the slow progress of negotiations in respect of various economic facilities in and adjacent to the UNPAs and "pink zones". (This issue had in fact been raised since September 1992 by the Co-Chairmen, who requested President Cosic, Prime Minister Panic and President Milosevic in Belgrade to use their influence to resolve the deadlock on these economic problems. Nevertheless, progress had been difficult to achieve, but a meeting on this issue had in fact been arranged, after intensive consultations by UNPROFOR, for the very week of the offensive.) On 27 January 1993, the Croatian Army attacked and captured the Peruca Dam. The Serbs responded to the Croatian offensive by breaking into a number of storage areas, which were under joint control under a double-lock system in the UNPAs, and by removing their weapons, including heavy weapons.

15. At this time, fighting is continuing at various points along the new confrontation line, with both sides bringing up reinforcements and strengthening their positions. Tension is also high throughout the other sectors. UNPROFOR has warned both the Croatian Government and the Serb authorities not to attempt further incursions into the UNPAs.

The Force has also sought to limit the damage caused by the recent Croatian offensive, and has made repeated representations in Zagreb, Zadar, Knin and Belgrade with a view to preventing escalation and bringing about a cease-fire in accordance with Security Council resolution 802 (1993) of 25 January 1993. As regards this resolution, the Croatian Government on 26 January informed the Force Commander that, upon compliance by the Serb side with its various provisions, they would remove their military, but not their police, from the areas taken by them. For their part, the Serb side stated that Croatia must return to its pre-22 January positions before the implementation of the remainder of the resolution could be considered.

16. As I informed the Council on 27 January, Serb hostility to UNPROFOR has been inflamed by the Croatian offensive, since the local Serb leadership feels "betrayed" by what they see as UNPROFOR's failure to protect them. In particular, they blame UNPROFOR for the Serb casualties incurred at the start of the offensive, since they had been deprived of their heavy weapons by UNPROFOR in accordance with the peace-keeping plan. These events have seriously undermined the degree of confidence which was slowly being built up, and the process of negotiation, painfully and frustratingly developed by UNPROFOR, has been disrupted.

17. These developments have increased the threat to the security of UNPROFOR personnel in the areas affected by the fighting and elsewhere in the UNPAs and "pink zones". The Force Commander continues to keep under constant review possible measures to enhance the protection of the members of the Force against this threat and others which may result from untoward developments in the mission area as a whole. Meanwhile a positive response has been given to those contributing Governments that wish to strengthen the equipment of their contingents in order to reinforce their self-defence capability.

B. *Bosnia and Herzegovina*

18. In Bosnia and Herzegovina, where UNPROFOR has a more limited mandate, the Force has succeeded in keeping Sarajevo Airport open, despite interruptions as a result of hostile military action against humanitarian aircraft. In the period from 3 July 1992 to 31 January 1993, the humanitarian airlift organized by UNHCR under UNPROFOR protection brought in 2,476 aircraft carrying 27,460 tons of food, medicines and other relief goods. The operation under resolution 776 (1992) to protect humanitarian convoys throughout the Republic has been persistently thwarted by obstruction, mines, hostile fire and the refusal of the parties on the ground, particularly (but not exclusively) the Bosnian Serb party, to cooperate with UNPROFOR. None the less, from the deployment of additional UNPROFOR battalions for this purpose in November 1992 until January 1993, a total of some 34,600 tons of relief supplies has been delivered to an estimated 800,000 beneficiaries in 110 locations throughout Bosnia and Herzegovina.

19. UNPROFOR's efforts in Bosnia and Herzegovina have been characterized by a regrettable tendency on the part of the host Government to blame it for a variety of shortcomings, whether real or imagined. Criticism of UNPROFOR's performance in the Republic has largely been directed at its failure to fulfil tasks that the Force has not been mandated, authorized, equipped, staffed or financed to fulfil. There have been a number of attacks on the Force by the Government and by elements answerable to it, both in public statements and declarations and, more seriously, through violence. Deliberate attacks upon UNPROFOR personnel have led to the deaths of six soldiers and injuries to over 100 more in the performance of their duties in the Republic. Despite formal protests by UNPROFOR, no action has been taken by the Government of Bosnia and Herzegovina to identify and punish those responsible for these outrages. (Information on the casualties UNPROFOR has suffered in its entire area of operation is provided in annex II to the present report.)

20. The interdiction of military flights in the airspace of Bosnia and Herzegovina has been violated, apparently by all three parties, on nearly 400 occasions since its imposition. However, the frequency of violations has dropped recently and in the four weeks to 8 February 1993 averaged only around two violations a day. It is clear that the ban has achieved its principal purpose of preventing the use of air power in military combat in the Republic. UNPROFOR observers on the ground and monitors using AWACS information made available by the North Atlantic Treaty Organization have found no evidence to suggest that any party has flown combat air missions, or conducted hostilities from the air, since the interdiction regime was established by the Council.

C. *Macedonia*

21. In Macedonia, UNPROFOR's experience has been too limited to permit any conclusions to be drawn about the practicability of its mandate and the effectiveness of the Force in the first preventive deployment operation in the history of United Nations peace-keeping.

III. ANALYSIS OF OPTIONS

22. In reviewing the mandate of UNPROFOR, which expires on 21 February 1993, the Security Council will wish to take into account the fact that the Force has grown considerably, in numbers and in the range and variety of the tasks it is expected to perform, since it was established by the Council by resolution 743 (1992). As pointed out in paragraph 2 above, UNPROFOR has operational responsibilities in Bosnia and Herzegovina, Macedonia and (in relation to resolution 781 (1992)) in Serbia and Montenegro, which could be continued irrespective of any decision the Council may make relating to the original mandate in Croatia. The decisions required of the Council now are thus (*a*) whether to extend the existence of the Force and, if so, (*b*) whether to alter any of the specific tasks which it has authorized UNPROFOR to perform in the various Republics.

23. UNPROFOR's mandate in Bosnia and Herzegovina, currently deriving from resolutions 761 (1992), 776 (1992) and 781 (1992), could need to be altered significantly when the outcome is known of the current talks led by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. Specific recommendations in this regard must therefore await that outcome and will be contained in a separate report. UNPROFOR's mandate in Macedonia has just begun to be implemented and a review would therefore be premature. The present report thus focuses primarily on the options available to the Council in relation to UNPROFOR's mandate in Croatia.

24. While the non-cooperation of the local Serb authorities had seriously retarded implementation of the United Nations peace-keeping plan approved by the Security Council, the Croatian offensive on and after 22 January 1993 has significantly altered the realities on the ground. In a series of public pronouncements before the offensive, most notably in a letter dated 9 December 1992 to the President of the Security Council [*S/24934*], the President of Croatia, Mr Franjo Tudjman, had declared that the willingness of his Government to agree to an extension of UNPROFOR's mandate was dependent on progress in a number of areas. Listing various demands relating to issues on which the Serb side had refused to cooperate, or on which there was no agreement with the Serbs, he urged the Council to grant UNPROFOR an enforcement mandate "resembling [that] in the case of aggression against Kuwait and with regard to the present-day situation in Somalia". Following the offensive, President Tudjman has indicated publicly that his Government was also prepared to invade the UNPAs if UNPROFOR was unable to fulfil its mandate there. For its part, the Serb leadership in the UNPAs has re-armed and remobilized its forces in response to the Croatian offensive and has received substantial reinforcements of Serb

fighters from elsewhere in the former Yugoslavia. Serb militias have broken into storage depots holding heavy weapons placed there under the peace-keeping plan. The Serb side has also refused to enter into negotiations with the Croatians, or to return the heavy weapons taken from storage, unless the Croatian armed forces withdraw to the positions they occupied before the offensive, in accordance with Security Council resolution 802 (1993). Such a withdrawal, in turn, is categorically rejected by the Croatian authorities.

25. In addition, the circumstances in which the peace-keeping plan was drafted and agreed in late 1991 and early 1992 have themselves changed. The plan was envisaged as an interim arrangement pending an overall political solution to the Yugoslav crisis. The Government of Croatia, as a sovereign State Member of the United Nations whose independence and territorial integrity are recognized by the international community, claims there is no longer any "overall political solution" to negotiate. The only issue, in Zagreb's view, is the return of the UNPAs and the "pink zones" to Croatian control, with the Serb minority enjoying the rights granted to it by the Croatian Constitution, the Constitutional Law on Human Rights and Rights of Ethnic Communities and other relevant domestic legislation. The Serb leadership in the UNPAs, however, refuses to consider these territories to be a part of Croatia and rejects talks on this basis, recalling that the plan was explicitly not intended to prejudge a political solution to the Yugoslav crisis. It further argues that two parties to the original plan, the President of Serbia and the Federal Yugoslav military authorities in Belgrade, no longer have any *locus standi* in the areas where UNPROFOR is deployed. The mandate and deployment of UNPROFOR, they insist, must now be discussed anew with them as the sovereign "Republic of Serb Krajina". These positions appear to be irreconcilable and to have become even more so in the atmosphere of intense distrust and hostility which has been created by the recent Croatian offensive.

26. In these circumstances, there seem to be three options with regard to UNPROFOR's mandate in Croatia:

(*a*) To renew the mandate entrusted to UNPROFOR by resolution 743 (1992), with no change;

(*b*) To modify that mandate;

(*c*) To give UNPROFOR no mandate in Croatia and confine its operations to Bosnia and Herzegovina and Macedonia.

Each option is briefly analysed below.

27. As regards option (*a*), in a call upon the Secretariat on 19 January 1993, the Permanent Representative of Croatia, speaking on instructions, made it clear that his Government could agree to a renewal of UNPROFOR's present mandate only if specific objectives were achieved beforehand, as stated in President Tudjman's letter of 9 December 1992. The Permanent Representative underlined the need for UNPROFOR to achieve progress in certain specific areas - the restoration of Croatian control over the Maslenica bridge and highway, Zemunik Airport and the Peruca Dam - which three days later turned out to be amongst the objectives of the Croatian military offensive. The Government's position in effect requires UNPROFOR either to negotiate results which, as a peace-keeping force relying on the cooperation of the parties, it has no power to compel the other side to accept, or to risk unilateral military action by the Government. Such action, as recent events demonstrate, may or may not succeed, but will certainly not enhance UNPROFOR's ability to achieve by negotiation the results desired by the Government. Even if the latter had some reason to be impatient with the local Serb leadership's obstruction of the original peace-keeping plan, its offensive has had a devastating effect on cooperation between UNPROFOR and the local Serb authorities at all levels and has put in doubt the feasibility of a return to the original plan.

28. Option (*b*) raises the question of what kind of modifications would make the Force more effective. Enforcement would involve the danger of placing UNPROFOR in direct conflict with the Serbs, who have, as noted above, now been reinforced by armed elements belonging to a variety of extremist groups. Enforcement would also require additional military forces and equipment which are not at present available to UNPROFOR and could not be deployed immediately upon the passage of an enforcement resolution by the Security Council. The mere passage of an enforcement resolution risks threatening the safety and security of United Nations peace-keeping personnel currently deployed in the UNPAs and some, perhaps most, troop-contributing countries might in these circumstances review their participation in UNPROFOR. Nor is it clear that enough Member States would be willing to provide the additional troops and equipment required for enforcement. Indeed, it can be argued that enforcement would be a fundamental contradiction of the nature and purpose of UNPROFOR's deployment in Croatia, as a peace-keeping force entrusted with the implementation of a plan agreed by all parties.

29. An alternative modification of the mandate would be, as the Serb leadership in the UNPAs suggest, to convert UNPROFOR into a buffer force deployed along the present front lines in order to prevent a recurrence of hostilities. This option was considered and rejected at the time that the original peace-keeping plan was drawn up, on the grounds that it would simply freeze in place a military situation that the Croatian authorities found unacceptable and would make it impossible for several hundred thousand displaced persons to return to their homes. It is not, therefore, likely to receive the consent of the Government of Croatia.

30. If neither option (*a*) nor option (*b*) is viable, option (*c*) may seem to be the only one left. However, the withdrawal of UNPROFOR from the UNPAs would almost certainly result in the resumption of large-scale hostilities in the areas of its deployment and would thus bring to nought the political effort and the material resources invested by the international community in ending the conflict that had raged for nearly a year before the deployment of UNPROFOR.

IV. FINANCIAL ASPECTS

31. It will be recalled that, in my report of 10 September 1992 [*S/24540*] I recommended that the Security Council accept the offer of certain Member States to provide, at no cost to the United Nations, the additional personnel needed to enable UNPROFOR to protect humanitarian convoys in Bosnia and Herzegovina. This seemed to me at the time an innovative arrangement which would facilitate the early deployment of the additional troops required at a time when Member States were finding it increasingly difficult to accept the financial implications of the very rapid expansion of the Organization's peace-keeping activities that had already taken place in 1992. The Security Council accepted my recommendation, although a number of Member States, troop-contributing countries and others, expressed reservations of principle. It was, and still is, argued that this arrangement compromised the principle, established with such difficulty in earlier decades, that peace-keeping operations are collective activities of the United Nations and that their costs are expenses of the Organization in the terms of Article 17, paragraph 2 of the Charter and thus borne by the membership as a whole. Concern was also expressed that this arrangement, if more widely applied, would carry the connotation that peace-keeping operations might be established only in regions that could afford to finance them and be staffed only by personnel from countries that could afford to meet the costs of participation. After six months' experience, it has also become clear that this arrangement gives rise to a number of operational and administrative difficulties. I have accordingly come, with some reluctance, to the conclusion that it may no longer be appropriate.

32. There is always a danger in peace-keeping operations that troop-contributing Governments may find it difficult to respect fully the principle that the troops provided by them operate under the command and control of the United Nations. This danger is more likely when the Governments concerned perceive the conflict in question to be one which affects their national interests. As I have already advised the Council [*S/24848, paras. 36 and 50*], the special financial arrangements for UNPROFOR's Bosnia and Herzegovina Command have created a number of problems of this nature. Governments contributing contingents to the Bosnia and Herzegovina Command have not always recognized that the new units are an integral part of UNPROFOR, under the overall command of the Force Commander and that newly arrived troops wearing United Nations insignia must pass under United Nations command as soon as they reach the mission area. It has also proved difficult to ensure that such units comply fully with UNPROFOR policy, as laid down by the Force Commander, in all operational, legal, information and administrative matters. Member States making such contributions have also been unwilling to accept some of the common costs of UNPROFOR, particularly those relating to military observers and civilian affairs personnel. I have therefore already been obliged to seek the General Assembly's agreement to the collective financing of the costs relating to civilian administrators, military observers and civil affairs personnel in Bosnia and Herzegovina.[16]

33. I therefore now recommend that, with effect from the renewal of its mandate, all activities of UNPROFOR in the former Yugoslavia be financed in the normal manner, i.e. by assessments on the peace-keeping scale levied on all Member States. By its resolution 47/210 of 22 December 1992, the General Assembly authorized the Secretary-General to enter into commitments for the operation of UNPROFOR, should the Security Council decide to continue the Force beyond 20 February 1993, at a rate not to exceed $47,064,525 gross ($46,492,334 net) per month for the seven-month period from 21 February 1993 to 20 September 1993. This authorization is subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. In the event that the costs to the United Nations for maintaining UNPROFOR during the extension period exceed the level of commitment authorized by the Assembly in its resolution 47/210, the Secretary-General will report to the Advisory Committee and the General Assembly on the additional requirements needed for the maintenance of the Force.

34. As at 8 February 1993, unpaid assessed contributions to the UNPROFOR special account for the period up to 20 February 1993 amounted to $242.3 million.

V. OBSERVATIONS

35. The analysis of options in section III above does not indicate any clear way forward in a difficult situation that was not foreseen when the Security Council decided a year ago to establish UNPROFOR. It will be recalled that the concept of UNPROFOR was at that time set in the wider context of the peacemaking efforts that were being undertaken by the European Community's Conference on Yugoslavia. For instance, in paragraph 13 of my report of 15 February 1992 [*S/23592*] I referred to:

> "the peace-keeping role of the United Nations, whose primary purpose is to create the conditions in which a political settlement can be negotiated, and the peacemaking role of the European Community, which is to conduct and mediate the necessary negotiations."

Earlier in that report [*ibid., para. 8*], I had referred to the importance of the concerns and interests of the Serb communities in Croatia being given full consideration in the Conference on Yugoslavia. Also relevant is the following passage in paragraph 29 of the same report:

> "In reaching this conclusion I have made the assumption, which I recognize could also be questioned, that the Yugoslav parties are ready to engage seriously in the difficult task of negotiating an overall settlement in the Conference on Yugoslavia established by the European Community. It is stated in paragraph 5 of the plan that, subject to the Council's agreement, the United Nations Force would remain in Yugoslavia until a renegotiated settlement was achieved. The Force will succeed only if there is confidence that this will indeed be the case. Fears that it might be precipitately withdrawn before the underlying problems had been peacefully resolved would have a most unsettling effect in the United Nations protected areas."

Finally, I recommended in paragraph 30 of that report that there should be provision for a renewal of UNPROFOR's mandate if a negotiated settlement had not been achieved during the initial mandate period.

36. The difficulties which UNPROFOR and the Security Council currently face with regard to UNPROFOR's mandate in Croatia can be attributed to two principal factors. The first is the failure to implement the peace-keeping plan described in annex III to document S/23280. It will be apparent from paragraph 15 above that the two sides are a long way from meeting the demands of the Security Council contained in resolution 802 (1993), let alone agreeing on full implementation of the United Nations peace-keeping plan.

37. The second factor is that it has not been possible to negotiate an agreed settlement to the conflict between the Republic of Croatia and the Serb populations living in the UNPAs and the pink zones. Again, paragraph 25 above shows how wide the gap is between the two sides on this question also. Neither the Croatian Government's position that an overall political solution already exists nor the local Serb authorities' demand that they be recognized as an independent republic provides a solution to the conflict; instead, these positions, if maintained, could lead to large-scale hostilities.

38. I have come to the conclusion that unless these two factors are addressed, a sound basis will not exist for renewing UNPROFOR's mandate in Croatia. It follows that an urgent effort needs to be made, at a very senior level, to resolve the problems arising from the recent Croatian offensive (which means implementing resolution 802 (1993), to establish a basis for completing implementation of the United Nations peace-keeping plan contained in document S/23280 and to agree on a framework for negotiating, within the principles of the International Conference on the Former Yugoslavia, a settlement of the underlying dispute. I have accordingly asked the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to address these questions urgently with a view to establishing as soon as possible a basis on which I could make a substantive recommendation for an extension of UNPROFOR's mandate.

39. As it is unlikely that these results could be achieved by 21 February 1993, when the current mandate expires, I recommend that the Security Council decide to extend UNPROFOR's existing mandate for an interim period up to 31 March 1993, in order to give the Co-Chairmen the necessary time. I shall report to the Security Council as soon as possible on the progress of their efforts.

ANNEX I

UNPROFOR military and civilian police personnel strength as of 12 February 1993

A. UNPROFOR HEADQUARTERS (Including Liaison Offices in Belgrade and Ljubljana)				
Force Commander and aide-de-camp			2	
Military personnel, Staff Officers (185)[a]				
Military observers			20	
Civilian police monitors			16	
Subtotal				38
B. UNITED NATIONS PROTECTED AREAS AND "PINK ZONES"				
Infantry battalions				
Sector-East	Belgium/ Luxembourg	688		
	Russian Federation	863	1 551	
Sector-West	Argentina	895		
	Canada (1)	1 090[b]		
	Jordan	882		
	Nepal	899	3 766	
Sector-North	Denmark	866		
	Nigeria	886		
	Poland	868	2 620	
Sector-South	Czech Republic/ Slovak Republic	490		
	France (1)	922		
	Kenya	901	2 313	
Support Units				
Canadian Engineer Battalion		176		
Finnish Construction Battalion		302		
French Logistics Battalion		1 217		
Netherlands Signals Battalion		305		
Norwegian Movement Control Unit		76		
Swedish Headquarters Company		103		
United Kingdom Medical Battalion		242	2 421	
Military observers			147	
Civilian police monitors			564	
Subtotal				13 382
C. BOSNIA AND HERZEGOVINA COMMAND				
Headquarters			193	
Infantry battalions	Egypt	416		
(Sector Sarajevo)	France (2)	667[c]		
	Ukraine	398	1 481	
Infantry battalion groups	Canada (2)	812		
	France (3)	1 842		
	Spain	758		
	United Kingdom	2 626[d]	6 038	
Support Units				
Belgian Transport Company		129		
Danish Headquarters Company		214		
Netherlands Transport Battalion		515		
Netherlands Signals Unit		100		
Norwegian Engineer Platoon		36		
Portuguese Medical Team		9		
United States Field Hospital		339	1 342	
Military observers			122	
Civilian police monitors			12	
Subtotal				9 188
D. AIRFIELD MONITORING (Security Council resolution 786 (1992))				
Military Observers			76	76
E. MACEDONIA COMMAND				
Headquarters			26	
Infantry units				
	Canadian Company	147[e]		
	Nordic Battalion	42	215	
Military observers			25	
Civilian police monitors			26	
Subtotal				266
UNPROFOR TOTAL				22 950

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[a] Personnel in UNPROFOR headquarters and Liaison Offices in Belgrade and Ljubljana are included in battalion figures.

[b] Including 256 Canadian Support Element.

[c] Including 251 French Support Units.

[d] Including British National Support Element.

[e] Detached from the Canadian Battalion (3) earmarked for Bosnia and Herzegovina Command.

ANNEX II

UNPROFOR casualties as of 2 February 1993

Cause of casualty		*UNPAs*	*Sector Sarajevo*	*Other places*[a]	*Bosnia and Herzegovina Command*[b]	*Total*
Firing	Injured	11	19	2	0	32
	Killed	0	3	0	1	4
Mines	Injured	37	15	2	1	55
	Killed	5	1	0	0	6
Shelling	Injured	17	64	3	5	89
	Killed	2	1	0	0	3
Subtotal	Injured	65	98	7	6	176
	Killed	7	5	0	1	13
Traffic	Injured	61	7	7	2	77
	Killed	6	0	0	0	6
Other	Injured	40	4	39	1	84
	Killed	6	0	1	0	7
Subtotal	Injured	101	11	46	3	161
	Killed	12	0	1	0	13
Total	Injured	166	109	53	9	337
	Killed	19	5	1	1	26

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[a] Former Yugoslavia except UNPAs and Bosnia and Herzegovina.

[b] Other than Sector Sarajevo; figures in second column should be added to obtain overall totals for Bosnia and Herzegovina.

DOCUMENT S/25265

Letter dated 8 February 1993 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*10 February 1993*]

I have the honour to submit herewith a letter dated 8 February 1993 by the Prime Minister of the Republic of Croatia, Mr. Hrvoje Sarinic, addressed to you.

I would be grateful if this letter and the attachment could be circulated as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

LETTER DATED 8 FEBRUARY 1993 FROM THE PRIME MINISTER OF CROATIA ADDRESSED TO THE SECRETARY-GENERAL

The Republic of Croatia is, at this very moment, exposed to war actions aimed at the elimination of the remaining members of Croatian population in the UNPA zone, Sector South and the surrounding area. "FR of Yugoslavia", its volunteer phalanxes, paramilitary formations of the so-called "Knin authorities" exterminate the traces of the last remnants of Croatian population in the above-mentioned area, expelling hundreds of persons and simultaneously destroying their homes and property. On Sunday, 31 January 1993 alone, with the assistance of UNPROFOR and European Community monitors, 177 Croats who had been forcibly expelled from the Knin area (Knin, Potkonje, Kovacice and other places) came to Sibenik.

In the area between Knin and Miljevac plateau, UNPA zone, Sector South and its adjacent "pink zone", about 900 Croats have been exposed to terror, robbery and arbitrary killings. According to the latest information in possession of the Croatian Government, in the village of Vrpolje, 5 km north-east of Knin, Serbian paramilitary formations and so-called "volunteers" of "FR of Yugoslavia", hold in custody as hostages 263 members of Croatian population who were forcibly taken away from the Knin area.

The territory of the Republic of Croatia, formally under UNPROFOR protection, is a scene of terror and genocide. The remaining members of Croatian population are hostages of foreign irregular units and rebellious paramilitary formations, the instrument of extortion of the Republic of Croatia.

The Government of the Republic of Croatia, along with the efforts of the UNPROFOR Force Commander and EC Monitor Mission are not able, at this moment, to stop the above-mentioned grave breaches of war and international humanitarian law. Therefore, I call for energetic action on your part and on the part of the United Nations Security Council, aimed at rapid liberation of all the hostages and final implementation of effective measures for protection of the remaining members of Croatian population in the area.

Up to now, unfortunately, 3,000 people have been expelled and 500 killed in the territory under UNPROFOR protection.

Hrvoje SARINIC
Prime Minister

DOCUMENT S/25267

Letter dated 9 February 1993 from the representative of Austria to the President of the Security Council

[*Original: English*]
[*10 February 1993*]

I have the honour to refer to the letter dated 29 January 1993 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council, circulated under the symbol S/25195.

In the annex to this letter, which is entitled "Movement of the vessels with petroleum products through Ukrainian waters in the Danube (30 November 1992-23 January 1993)" mention is made of several Austrian companies allegedly being the receivers of some of the gasoline or diesel shipments indicated.

I have the honour to inform you that the competent Austrian authorities have undertaken an investigation and have found that none of the vessels and barges mentioned in the Ukrainian letter have sailed in the Austrian part of the Danube during the period mentioned in document S/25195 or even during the months before. Therefore, none of the alleged gasoline or diesel transfers to Austrian companies or through Austrian waters has taken place. The investigations carried out have shown further that no company by the name of "Prater Trading and Shipping Ltd." exists in Austria.

I would be grateful if you could have this letter issued as a document of the Security Council.

(*Signed*) Peter HOHENFELLNER
Permanent Representative
of Austria to the United Nations

DOCUMENT S/25269

Letter dated 9 February 1993 from the representative of Denmark to the Secretary-General

[*Original: English*]
[*10 February 1993*]

I have the honour to transmit herewith the text of a statement issued by the European Community and its member States on 9 December 1992 concerning paragraph 29 of Security Council resolution 687 (1991).

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the Security Council.

(*Signed*) Bent HAAKONSEN
Permanent Representative
of Denmark to the United Nations

TEXT OF THE STATEMENT

On 7 December 1992, the Foreign Affairs Council approved a Council regulation prohibiting the satisfying of Iraqi claims with regard to contracts and transactions whose performance was affected by United Nations Security Council resolution 661 (1990) and related resolutions.

The European Community and its member States note with concern Iraq's persistent failure to comply with its obligations under Security Council resolution 687 (1991) and other relevant resolutions of the Security Council. The Community and its member States underline the importance of paragraph 29 of Council resolution 687 (1991) and agree that Iraq must comply in full with the provisions of that paragraph 29, whether by legislation or by renouncing claims, returning bonds cancelled to their originators or otherwise releasing parties to contracts and transactions from obligations under them. The Community and its member States consider that, in deciding whether to reduce or lift measures taken against Iraq, pursuant to paragraph 21 of Council resolution 687 (1991), particular account must be taken of any failure by Iraq to comply with paragraph 29 of the same resolution. Iraq should not expect such measures to be reduced or lifted in the absence of full compliance with paragraph 29.

DOCUMENT S/25271

Letter dated 9 February 1993 from the representative of Angola to the President of the Security Council

[*Original: English*]
[*10 February 1993*]

I have the honour to transmit the following message from Mr. Jose Eduardo dos Santos, President of the Republic of Angola.

I would be grateful if you would have the present letter and the attachment circulated as a document of the Security Council.

(*Signed*) Afonso VAN-DUNEM "MBINDA"
Permanent Representative
of Angola to the United Nations

LETTER DATED 19 JANUARY 1993 FROM THE PRESIDENT OF ANGOLA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you about the prevailing situation in Angola, requesting that this communication be circulated among the other members of the Security Council.

The Security Council, in an effort that the Angolan Government highly appreciates, has tried, within the scope of its important responsibilities of ensuring world peace and security, to contribute, with the adoption of measures, to the re-establishment of peace in Angola under the strict compliance of the Bicesse Accords.

Regrettably, the radical wing of UNITA [*National Union for the Total Independence of Angola*], led by Mr. Jonas Savimbi, who is acknowledgedly and entirely responsible for the current crisis in Angola, following his refusal to unequivocally accept the election results, has disregarded, with impunity, the provisions made by the United Nations body over which you preside.

As you know, one first step that was made to solve the post-election crisis in Angola through dialogue was the Namibe meeting between the Government and UNITA, with the presence of UNAVEM II [*United Nations Angola Verification Mission II*], which took place on 26 November 1992 and brought renewed hope for the implementation of the Bicesse Accords.

In keeping with a pattern of behaviour that we are now used to seeing in Mr. Jonas Savimbi - he not only does not commit himself seriously but he also fails to comply with the commitments he makes - UNITA carried out a military occupation of the towns of Uige and Negage two days after the above-mentioned meeting, thus stalling the initiatives and efforts for dialogue made by the Government and the United Nations.

In fact, after having reportedly promised that he would withdraw his troops from these two towns, which UNAVEM II and also the United States Under-Secretary of State, Mr. Jeffrey Davidow, announced on some occasions as being the minimum condition for resuming the agenda of the Namibe meeting, UNITA has failed to this date to keep its word. It has chosen to adopt an attitude contrary to dialogue, by prohibiting the UNITA provincial representatives from trying to solve local problems together with the government authorities, through peaceful means.

I must stress, for your information, that as a result of the promises made by Mr. Jonas Savimbi to Mr. Jeffrey Davidow, when the latter visited Angola last December, it was suggested that we appoint representatives from the Government so that, together with UNAVEM II, we could monitor in the field the supposed withdrawal of the UNITA forces from Uige and Negage.

A clear proof of that are the difficulties posed by UNITA for the holding of the Addis Ababa meeting between the military leaders of both sides. In principle, the goal of this meeting was to reach an agreement on the cessation of hostilities and other related questions, on which the solution of the political and social problems afflicting our country depends.

The unfolding of events demonstrates today, unequivocally, that while UNITA was trying to distract the Government and UNAVEM II with a pretense dialogue and withdrawal from Uige and Negage, it was also preparing to launch an all-out military offensive. Their objective was to try to occupy the largest number possible of provincial capitals, and in that way, be able to propose negotiations from a position of force that would allow them to demand solutions extraneous to the election results and the Bicesse Accords.

We would like the international community and in particular the Security Council to pay attention to this fact and to consider stricter and more effective measures against UNITA, in order to help the Angolan people and its elected Government to defend the democratic legality derived from the Bicesse Accords, in a spirit of absolute justice.

(*Signed*) Jose Eduardo dos SANTOS
President of Angola

DOCUMENT S/25273

Letter dated 1 February 1993 from the Secretary-General to the President of the Security Council

[*Original: French*]
[*10 February 1993*]

It is my intention to submit shortly to the Security Council a report on the implementation of resolution 792 (1992) and on any further measures that may be necessary or appropriate to ensure that the fundamental objectives of the Paris agreements on Cambodia [*S/23177,annex*] are achieved. Paragraph 21 of this resolution requests me to report to the Council no later than 15 February 1993.

Meanwhile, I wish to inform the members of the Security Council of certain important decisions taken at the meeting of the Supreme National Council (SNC) held on 28 January 1993 at Beijing under the chairmanship of His Royal Highness Prince Norodom Sihanouk.

At that meeting, it was decided that the election for the constituent assembly would be held from 23 to 25 May 1993.

Prince Sihanouk also informed the SNC that the presidential election mentioned in paragraph 3 of resolution 792 (1992) should take place, in accordance with the Paris agreements, after the constituent assembly adopted the new constitution of Cambodia. He also assured the members of SNC that he would continue in the meantime to cooperate actively with the United Nations Transitional Authority in Cambodia in the implementation of the Paris agreements.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25274

Letter dated 9 February 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*10 February 1993*]

By resolution 780 (1992) the Security Council requested me to establish a Commission of Experts with a view to having it provide me with its conclusions on the evidence of grave breaches of the Geneva Conventions of 12 August 1949[11] and other violations of international humanitarian law committed in the territory of the former Yugoslavia. The Commission commenced its work early in November 1992 and held its third session in Geneva on 25 and 26 January 1993, following which it transmitted to me a first interim report, together with a number of ancillary documents, including a report of a preliminary site exploration of a mass grave near Vukovar.

The interim report provides a broad view of the Commission's work to date, its preliminary conclusions on the evidence examined and its views on a number of important legal issues, and describes a plan of work for the next stage of its activities.

I would particularly draw your attention to the following elements of the interim report:

(*a*) Grave breaches and other violations of international humanitarian law have been committed, including wilful killing, "ethnic cleansing" and mass killings, torture, rape, pillage and destruction of civilian property, destruction of cultural and religious property and arbitrary arrests;

(*b*) Because of the uneven value of much of the information provided, verification of facts is essential;

(*c*) The Commission has identified and proposes to carry out on-site investigations of alleged crimes in the Vukovar area, the mass grave near Vukovar, detention camps and the allegations of systematic sexual assaults.

In respect of the proposed investigations, the Commission has indicated that it intends to avail itself of offers of assistance from Governments and non-governmental organizations. It has also requested that I establish a trust fund to assist it in carrying out its mandate.

Finally, in its concluding remarks (para. 74) the Commission notes that should the Security Council or another international organ or body decide to establish an ad hoc war crimes tribunal, such an initiative would be consistent with the direction of its work.

I have examined the interim report carefully and I consider that the Commission has outlined a plan of work which will enable it to carry out its primary mandate, namely, to provide me with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia. I intend, therefore, to ask the Commission to continue its work on the database and to proceed as expeditiously as possible to the verification of facts through the programme outlined in its report. At the same time, I shall set in motion the necessary administrative steps for the establishment of a trust fund.

Given the evident importance of the contents of the interim report and the strong interest manifested by the Security Council in the work of the Commission, I am, therefore, forwarding a copy of the interim report (annex I) and the report of a preliminary site exploration of the mass grave near Vukovar (annex II)* to you for the information of the Council. I felt it my duty to take this step at this stage even though the interim report is not the report foreseen in paragraph 4 of Security Council resolution 780 (1992).

(*Signed*) Boutros BOUTROS-GHALI

ANNEX I

Interim report of the Commission of Experts established pursuant to Security Council resolution 780 (1992)

[*Original: English and French*]
[*26 January 1993*]

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Appendix: Rules of procedure of the Commission

INTRODUCTION

A. *Mandate*

1. The Commission of Experts which the Security Council requested the Secretary-General to establish by its resolution 780 (1992) is mandated, under paragraph 2 thereof, to examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the Commission may obtain through its own investigations or efforts of other persons or bodies pursuant to resolution 771 (1992), with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions of 12 August 1949[11] and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

B. *Composition*

2. The Commission, whose members sit in their personal capacity, consists of Professor Frits Kalshoven (Netherlands) as Chairman, Professor M. Cherif Bassiouni (Egypt), Mr. William J. Fenrick (Canada), Judge Kéba Mbaye (Senegal) and Professor Torkel Opsahl (Norway), as members.

C. *Meetings*

3. The Commission held its first two-day session in New York on 4 and 5 November 1992. During that session, it discussed organizational and procedural questions and began dealing with methodological and substantive issues related to its mandate. It also appointed Mr. Fenrick as Rapporteur on Issues of Law.

4. The Commission held its second and third sessions at Geneva from 14 to 16 December 1992 and on 25 and 26 January 1993, respectively. During those sessions, the Commission, adopted its rules of procedure (see appendix), appointed Mr. Bassiouni as Rapporteur on the Gathering and Analysis of Facts, and Mr. Fenrick as Rapporteur for On-site Investigations, and continued its consideration of the issues referred to in paragraph 3 above. At its third session, the Commission discussed and approved the present interim report.

D. *References made to the Commission in other United Nations forums*

5. At its second session, the Commission took note of the Security Council's request contained in resolution 787 (1992) that it "pursue actively its investigations with regard to grave breaches of the Geneva Conventions ... other violations of international humanitarian law committed in the territory of the former Yugoslavia, in particular the practice of 'ethnic cleansing'".

6. The Commission furthermore noted that the Commission on Human Rights, in its resolution 1992/S-2/1 of 1 December 1992,[17] had recommended that the Commission of Experts be granted the staff and resources necessary to enable it to act effectively and had requested the Commission to provide its conclusions to the Secretary-General in order to allow the Security Council to consider further appropriate steps towards bringing those accused to justice.

7. Also at its second session, the Commission of Experts noted that the Commission on Human Rights in the same resolution and the Third Committee of the General Assembly in a draft resolution adopted on 11 December 1992[18] had reaffirmed that all persons who perpetrated or authorized crimes against humanity or other grave breaches of international humanitarian law were individually responsible for those breaches and that the international community would exert every effort to bring them to justice, and had called on all parties to provide all pertinent information to the Commission of Experts in accordance with Security Council resolution 780 (1992).

E. *Information before the Commission*

8. Further to the requests contained in Security Council resolutions 771 (1992) and 780 (1992) and to its own inquiries, the Commission has received several thousand pages of documentation containing allegations of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia. The Commission also had access to video information.

9. As of 26 January 1993, reports containing such allegations (allegations directly related to the situation in the territory of the former Yugoslavia) had been submitted by Austria, Bosnia and Herzegovina, Croatia, France, Germany, Norway, Slovenia, Ukraine, the United States of America and Yugoslavia. Some of these reports provide data relating to specific allegations which, if supported by evidence, constitute "grave breaches" and other violations of international humanitarian law. Others are of a general character. The Commission would be aided in its task if Governments would submit to it the files upon which these reports are based or more detailed information so that it can gather the data it needs to set up proper investigative files. Communications have also been received from Austria, Canada, Croatia, Denmark, Slovenia, Sweden and Switzerland expressing readiness to assist in the channelling to the Commission of information supplied to the competent national authorities by refugees and other persons having left the war zones. Such information, when received, will be passed on to the Rapporteur on the Gathering and Analysis of Facts. The material provided by Governments reveals that large-scale victimization has taken place.

10. The Commission also had before it reports containing allegations of the type referred to above, originating in various United Nations bodies, intergovernmental organizations, international non-governmental organizations, various national organizations and private sources.

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*Annex II is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

11 The United Nations bodies and authorities concerned include the Special Rapporteur appointed under Commission on Human Rights resolution 1992/S-1/1 of 14 August 1992 to investigate first hand the human rights situation in the territory of the former Yugoslavia, the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, the Office of the United Nations High Commissioner for Refugees (UNHCR), the Human Rights Committee and the United Nations Protection Force (UNPROFOR) These reports also reveal or confirm the occurrence of large-scale victimization Some of them contain indications of available evidence, others suggest the direction of future investigations

12 The Conference on Security and Cooperation in Europe (CSCE) has submitted a number of reports, including the report of the CSCE mission to the detention camps in Bosnia and Herzegovina, the report of the CSCE human rights rapporteur mission to Yugoslavia, and the report of the mission to Bosnia and Herzegovina and to Croatia under the Moscow Human Dimension Mechanism of CSCE The third of these reports considers the practical implications of determining responsibility for "grave breaches" and other violations of international humanitarian law Reports have also been received from the European Community (EC), including information originating in the EC monitoring missions and the initial findings of the EC investigating mission into the treatment of Muslim women in the former Yugoslavia

13 As of 26 January 1993, communications expressing concern in general terms over events and violations of international humanitarian law had also been received from the following States Australia, Austria, Belgium, Colombia, France, Iran (Islamic Republic of), Russian Federation and Slovenia Communications of the same type had furthermore been received from the following intergovernmental forums Group of Arab States within the United Nations, Conference of Foreign Ministers of the Balkan and Regional Countries, Council of Europe, Council of Ministers of the Western European Union, European Community, Organization of the Islamic Conference, Presidential Council of the Arab Maghreb Union, and Supreme Council of the Gulf Cooperation Council

14 As of the same date, reports had also been received from a number of international non-governmental organizations Those reports have proven helpful in enabling the Commission to gather important information The accounts they contain are often detailed and most closely resemble the type of data that the Commission will require in attributing responsibility for "grave breaches" and other violations of international humanitarian law, subject to the ascertainment of the supporting evidence The international non-governmental organizations concerned include Amnesty International, International Committee of the Red Cross (ICRC), Médecins sans frontières, Helsinki Watch, International League for Human Rights, Union for Peace and Humanitarian Aid to Bosnia and Herzegovina and "World Campaign To Save Humanity". The Commission would be aided in its task if it were to receive the relevant data that was not included in the reports in question

15 The reports received vary in substance, nature, content and style Mostly, as is understandable in view of their very nature, they lack specificity as to pertinent evidence that can be verified

16 The Commission notes that the reports often show a marked similarity in the conduct of the various parties to the armed conflicts in the area and that such conduct is often of the most reprehensible character The Commission emphasizes that reprehensible conduct by one party to a conflict is no excuse or justification for the commission of grave breaches or other violations by other parties to the conflict

I COORDINATION WITH OTHER BODIES AND ORGANIZATIONS

17 The Commission realizes the importance of coordinating its efforts with those of other United Nations bodies and intergovernmental organizations concerned with the situation in the territory of the former Yugoslavia It has noted in particular the call contained in resolution 1992/S-2/1 of the Commission on Human Rights for the closest possible coordination with the Special Rapporteur appointed under the same resolution, Mr Tadeusz Mazowiecki The following arrangements have been made with Mr Mazowiecki as a general rule, the preliminary investigation of sites not visited so far that might be the scene, or contain evidence, of possible war crimes are to be carried out under the responsibility of the Special Rapporteur, whenever there appears to be sufficient ground to pursue the matter further, the relevant information will be passed on to the Commission for the action it deems appropriate

18 Through its Chairman, the Commission has also been in touch with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia

19 The Commission is furthermore maintaining contacts with CSCE In a decision adopted on 7 November 1992, the Committee of Senior Officials of CSCE stated that the Commission of Experts should give particular attention to the principle of personal responsibility for war crimes and re-examine how this principle could be put into practice by an ad hoc tribunal At the Stockholm Council meeting on 15 December 1992, the Ministers agreed that the proposals on making the principle of formal accountability effective, including the possibility of the establishment of an ad hoc tribunal, should be refined "through continuing consultations with the Commission of Experts" The Commission, considering that its mandate empowered it to engage in consultations on the refinement of the principle of personal responsibility, has designated Mr Bassiouni, to liaise with CSCE on this particular aspect

20 The Chairman, Mr Bassiouni and Mr Fenrick met on 24 January with the CSCE Committee, chaired by Mr Corell, which comprises, in addition to its Chairman, Mr Türk and Mrs Thune, to exchange views, at the Committee's request, on the legal, evidentiary and practical problems relating to the establishment of an ad hoc international war crimes tribunal for the former Yugoslavia

21 Through its Chairman, the Commission has also established contacts with ICRC and with UNHCR

II TASKS CARRIED OUT BY THE COMMISSION IN THE DISCHARGE OF ITS MANDATE

A *Examination and analysis of the information*

22 The Commission considers that in order to discharge its mandate impartially and objectively, it must systematically analyse all the information before it It has therefore undertaken the preparation of a database designed to provide a comprehensive, consistent and manageable record of all reported grave breaches of the Geneva Conventions and other violations of international humanitarian law being committed in the former Yugoslavia

23 In creating the database, particular attention has been paid to securing detailed information by using a uniform reporting form The database and uniform reporting system are necessitated by the volume of information received and the disparities in the contents and styles of the reports

24 The Information Report Form which has been developed consists of eight separate sections The first two sections are the Physical Harm form (1) and the Harm to Property form (2) The next three sections are the identification forms, relating respectively to Victim Identification (3), Perpetrator Identification (4) and Witness Identification (5) The next section is the Location Information form (6), which covers detailed information about the location of the incident being reported The seventh section is the Evidence form (7), which provides a description of the evidence and its location The final section is the War Crimes Information form (8), which asks for information specifically related to the qualification of the violation The database computer entry system is designed to cross-reference data items or sets of items and to identify duplicate information While each report is summarized during initial entry, provision has been made for entry of the complete document As a result, it will be possible to conduct searches of documents in a manner which will result in a listing of every database entry which relates to a particular incident, person or location Then, if necessary, the entire text of relevant documents can be printed The information entered into the database is translated into tables generated according to the information sought Cases can then be grouped into tables according to date, location, victim's name, perpetrator's name, etc These tables will assist in establishing patterns relating to individual perpetrators, armed forces and locations

25 As of 26 January 1993, approximately 70 per cent of the reports received by the Commission had been drawn into the database The Commission wishes to place on record its deep appreciation to the Rapporteur on the Gathering and Analysis of Facts for his invaluable contribution to this undertaking

26 From the analysis carried out so far, the following tentative conclusions emerge

27 The reported violations of international humanitarian law fall within the following categories wilful killing, "ethnic cleansing" and mass killings, torture, rape, pillage and destruction of civilian property, destruction of cultural and religious property, arbitrary arrests, forcible deportation, detention and abuse during detention, discriminatory dismissal from employment and harassment, attacks on relief personnel and vehicles, attacks on journalists

28 The database can only be as effective as the evidence received and the success of the Commission in bringing to light facts bearing upon the responsibility of individuals for grave breaches and other violations of international humanitarian law will first and foremost depend on the type of information submitted Some reports appear to rely heavily on second-hand and media sources and many fail to provide important data (names of victims, perpetrators, date and specific location) In order for the Commission to conduct an effective investigation, access is required to the files on which reports are based The Commission has taken note of offers which have been made by several Governments on the communication of files (see para 9 above) and it intends to avail itself of these offers

29 In a number of cases, the alleged facts seem to be attributable to groups operating in a disorganized and undisciplined manner under very limited command and control In the absence of information on military operations (whereabouts of military units, order of battle, movements of militias and civil or military units), it is possible to identify massive victimization but extremely difficult to determine whether such victimization occurred in the context of an armed conflict and to establish chains of command and command responsibility

30 Information on a single event is often contained in more than one report Checking the database on such an event may show that the various sources complement each other, thus facilitating further investigation

B *Identification of cases especially warranting in-depth investigation*

31 The Commission understands that the purpose of the Security Council in requesting conclusions on the "evidence" of violations of international humanitarian law is not merely to establish the existence of certain patterns of criminality but also to obtain specific evidence such as an investigative body would need for prosecution purposes Seen in this perspective, the Commission's task requires in-depth investigations, which, given the volume of the available information and existing practical constraints, can be carried out only on a selective basis The Commission has identified the *prima facie* reliability of the source of information, the strength of the evidence, the number of victims, the identity and rank of the persons allegedly responsible and the gravity of the alleged violations as objective criteria it will apply in the conduct of the selection process An important concern of the Commission in identifying the cases to be investigated in depth is to discern patterns of behaviour sufficiently consistent to reveal genocide, "ethnic cleansing" or systematic sexual assaults

C Verification of facts

32 The reports show that grave breaches and other violations of international humanitarian law have been committed Tangible evidence of these violations must, however, be secured in the form of testimonies, written statements, identification of victims, pathological forensic reports, films, photographs and maps of location and other forms of corroborating evidence The Commission is aware of the difficulties which may arise in this context evidence may be destroyed either wilfully or as a result of weather conditions and the victims and witnesses may be either difficult to locate or reluctant to supply information due to intimidation and fear of reprisals

33 Rule 8 of the Commission's rules of procedure, entitled "Investigations", provides as follows

> "1 The Commission may hear witnesses or experts, on its own initiative or upon proposal by States, international humanitarian organizations, or other persons or bodies In such cases, the Commission shall determine the modalities for summoning witnesses and experts States whose nationals have been summoned to appear before the Commission as witnesses or experts may be invited to be present when their nationals are heard
>
> "2 The Commission may decide to request States to hear witnesses or experts
>
> "3 The Commission may decide to visit the territory of one or more of the States that formed part of the former Yugoslavia, or any other State, upon invitation or on its own initiative with the consent of any such State Visits may be carried out by the Commission in its entirety, by one or more of its members, or by staff of the Commission, as decided by the Commission "

34 As far as on-site investigations are concerned, the Commission has noted that some Governments have offered the services of teams of specialized investigators to perform certain functions under the Commission's control The Commission intends to avail itself of these offers as appropriate

35 Such missions of investigation, as well as visits of the Commission as are envisaged in paragraph 3 of rule 8 of the rules of procedure, will be preceded by a careful analysis of alleged facts and the gathering of as much corroborating evidence as can be obtained from credible sources, so that the investigative work can be properly focused and lead to concrete and substantial results

D Issues of law

1 Applicable rules of international law

36 The armed conflicts in the territory of the former Yugoslavia give rise to various legal issues These relate to the law to be applied as well as to its interpretation in the light of the facts The Commission has begun its examination of these issues and offers herein its preliminary views on some of them

37 Paragraph 2 of Security Council resolution 780 (1992) specifies as the law the Commission is required to apply the Geneva Conventions of 1949, and "international humanitarian law" The Commission interprets the latter phrase to have the same meaning as "rules of international law applicable in armed conflict" as defined in article 2 (*b*) of Additional Protocol I to the Geneva Conventions, i e., "rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict are Parties and the generally recognized principles and rules of international law which are applicable to armed conflict".[17]

38 Moreover, these rules are found, first, in the 1977 Additional Protocols to the Geneva Conventions The former Yugoslavia was a party to these instruments While the Federal Republic of Yugoslavia considers itself as the successor to that State and, hence, bound by these treaties, Croatia, Slovenia and Bosnia and Herzegovina have declared themselves similarly bound

39 Other international agreements relevant to the armed conflicts in the territory of the former Yugoslavia include

- The 1907 Hague Convention IV and the Regulations on the Laws and Customs of War on Land,[18]
- The 1948 Convention on the Prevention and Punishment of the Crime of Genocide,[19]
- The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict,[20]
- The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, with annexed Protocols,[21]

as well as relevant human rights law applicable to the conflicts in the territory of the former Yugoslavia

40 Apart from the above-mentioned international agreements, the conduct of hostilities in the territory of the former Yugoslavia is governed, as mentioned above, by "the generally recognized principles and rules of international law which are applicable to armed conflict", i.e., by the relevant rules of customary international law The Commission notes that, while rules of customary international law may be found in the Geneva Conventions and certain other relevant instruments, some particularly important rules on the protection of civilian populations in armed conflicts are reflected in General Assembly resolutions 2444 (XXIII) and 2675 (XXV) entitled "Respect for human rights in armed conflict" and "Basic principles for the protection of civilian populations in armed conflicts", respectively Special importance also attaches to the conventions and customary law on crimes against humanity

2 Application of the rules relating to international armed conflict to the conflicts in the former Yugoslavia

41 Since 1949, the law has distinguished between international armed conflicts and non-international armed conflicts occurring in the territory of a single State (hereinafter, internal armed conflicts) Generally speaking, the rules for internal armed conflict are fewer and less detailed than those applicable to international armed conflicts In the 1949 Geneva Conventions, the rules for internal conflicts are found in one single article, common article 3 The 1954 Hague Convention on Cultural Property likewise contains one article (article 19) relating to internal armed conflicts

42 As for the two Additional Protocols adopted in 1977, one (Protocol I) is applicable to international armed conflicts and the other (Protocol II) to internal armed conflicts

43 Both the 1949 Geneva Conventions and the 1954 Hague Convention leave open the possibility for parties to an internal armed conflict to bring into force, by means of special agreements, all or part of the provisions of these Conventions The various parties to the successive armed conflicts in the former Yugoslavia have concluded a series of such special agreements

44 Under existing treaty law, for the Commission to classify the various armed conflicts in the territory of the former Yugoslavia as international or internal ones would require it to determine whether a given situation amounts to an armed conflict at all and, if so, one between two or more States or one being waged in the territory of one State Further determinant factors would be the dates on which the several States in the region are deemed to have acquired statehood and the dates from which the treaties in question are regarded as applicable to each of them

45 The Commission is of the opinion, however, that the character and complexity of the armed conflicts concerned, combined with the web of agreements on humanitarian issues the parties have concluded among themselves, justify an approach whereby it applies the law applicable in international armed conflicts to the entirety of the armed conflicts in the territory of the former Yugoslavia

46 The Commission emphasizes that the applicable rules include the prohibition of genocide, as codified in the Genocide Convention, as well as fundamental norms of human rights law While the latter have been embodied, and elaborated, in treaties to which the former Yugoslavia was a party, their applicability to the parties to the various armed conflicts in the region may be deemed to derive from their character as peremptory norms of international law

3 Grave breaches, war crimes, crimes against humanity

47 The Geneva Conventions and Additional Protocol I thereto contain rules on the treatment of grave breaches While "grave breaches" are carefully defined in each of these instruments, they fall under the general heading of war crimes The Commission understands the general notion of war crimes as comprising any violation of the law of international armed conflicts, sufficiently serious and committed with the requisite intent to be regarded as a crime

48 A war crime is usually a crime committed by a person demonstrably linked to one side of an armed conflict against persons or property on the other side The perpetrator may be a member of the armed forces (as defined in article 43 of Protocol I) or a civilian The issue of a demonstrable link is of particular relevance where victims and offenders are of the same nationality or from countries which are on the same side of a conflict The Commission intends to address this issue in due course

49 The notion of crimes against humanity as defined in conventional international law and as applied in customary international law is considered by the Commission to be applicable to these conflicts The Commission regards as crimes against humanity gross violations of fundamental rules of humanitarian and human rights law committed by persons demonstrably linked to a party to the conflict, as part of an official policy based on discrimination against an identifiable group of persons, irrespective of war and the nationality of the victim

50 The Commission notes that fundamental rules of human rights law often are materially identical to rules of the law of armed conflict It is therefore possible for the same act to be a war crime and a crime against humanity

4 Command responsibility

51 A person who gives the order to commit a war crime or crime against humanity is equally guilty of the offence with the person actually committing it This principle, expressed already in the Geneva Conventions of 1949, applies both to military superiors, whether of regular or irregular armed forces, and to civilian authorities

52 Superiors are moreover individually responsible for a war crime or crime against humanity committed by a subordinate if they knew, or had information which should have enabled them to conclude, in the circumstances at the time, that the subordinate was committing or was going to commit such an act and they did not take all feasible measures within their power to prevent or repress the act

53. Military commanders are under a special obligation, with respect to members of the armed forces under their command or other persons under their control, to prevent and, where necessary, to suppress such acts and to report them to competent authorities.

5. *Superior orders*

54. A subordinate who has carried out an order of a superior or acted under government instructions and thereby has committed a war crime or a crime against humanity, may raise the so-called defence of superior orders, claiming that he cannot be held criminally liable for an act he was ordered to commit. The Commission notes that the applicable treaties unfortunately are silent on the matter. The Commission's interpretation of the customary international law, particularly as stated in the Nürnberg principles, is that the fact that a person acted pursuant to an order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact available to him.

6. *"Ethnic cleansing"*

55. The expression "ethnic cleansing" is relatively new. Considered in the context of the conflicts in the former Yugoslavia, "ethnic cleansing" means rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area. "Ethnic cleansing" is contrary to international law.

56. Based on the many reports describing the policy and practices conducted in the former Yugoslavia, "ethnic cleansing" has been carried out by means of murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assault, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property. Those practices constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention.

57. The Commission is mindful of these considerations in the examination of reported allegations.

7. *Rape and other forms of sexual assault*

58. Throughout the various phases of the armed conflicts in the former Yugoslavia, reports have referred to allegations of widespread and systematic rape and other forms of sexual assault. Such reports have become more frequent, raising urgent concerns, and have led to several specific investigations into these allegations.

59. Acts such as rape, enforced prostitution or any form of sexual assault against women are explicitly prohibited in the relevant treaties in force. Superiors who authorize or tolerate the commission of such acts or who fail to take all practicable measures to prevent or suppress them are also culpable.

60. The Commission will examine the question whether the systematic commission of such acts, or the development and encouragement of a policy encouraging such acts, should be regarded as crimes in themselves and, if so, as war crimes or crimes against humanity.

III. INVESTIGATION OF MASS GRAVE SITES

61. The Commission has not awaited the completion of the database to undertake verification of particularly disturbing allegations. Responding to urgent and repeated calls in particular from Mr. Vance, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, and from the Commission on Human Rights in paragraph 13 of its resolution 1992/S-2/1, the Commission has arranged for an immediate investigation by a team of forensic experts of the mass grave of Ovcara, near Vukovar, in United Nations Protected Area East which was discovered during Mr. Mazowiecki's second mission to the area. To that end, the Commission engaged the services of Physicians for Human Rights, a non-governmental organization. Under the Cooperation Service Agreement concluded between the United Nations and Physicians for Human Rights, a team of forensic experts is to carry out the investigation of mass graves, under the control and supervision of the Commission. Although no direct contractual link exists between the Organization and the experts, the latter are accorded the status of expert on mission, which, given the nature of their mission, affords them the necessary protection. In this respect, the Cooperation Service Agreement is consistent with the existing procedures for obtaining the use of civilian personnel provided by Governments in peace-keeping operations, whereby civilian personnel so provided are accorded the status of expert on mission for the United Nations, under article VI of the Convention on the Privileges and Immunities of the United Nations,[22] notwithstanding the absence of a direct contractual link between them and the United Nations.[23] The services are provided at no cost to the Organization, and Physicians for Human Rights is made responsible for payment of all salaries and benefits, including, in particular, adequate life and medical insurance coverage to the experts.

62. The report on the first phase of the investigation conducted on the site by Physicians for Human Rights was before the Commission at its third session. The conclusions of the report include the following:

(1) A mass execution took place at the grave site;

(2) The grave is a mass grave, containing perhaps as many as 200 bodies;

(3) The remote location of the grave suggests that the executioners sought to bury their victims secretly;

(4) There is no indication that the grave has been disturbed since the time of execution and interment;

(5) The grave appears to be consistent with witness testimony that purports that the site is the place of execution and interment of the patients and medical staff members who disappeared during the evacuation of Vukovar Hospital on 20 November 1991. However, before that determination can be made with scientific certainty, the grave will need to be excavated and a number of bodies will need to be identified using forensic methods and procedures;

(6) There are indications that at least some of the bodies are those of Croatians.

63. The Commission has noted that, pursuant to Commission on Human Rights resolution 1992/S-1/1, and at the request of the Special Rapporteur on the human rights situation in the territory of the former Yugoslavia, the Special Rapporteur on extrajudicial, summary or arbitrary executions has conducted preliminary investigations into allegations of burial of victims of war crimes in various mass graves in the former Yugoslavia, especially in Croatia. The objective is to determine to what extent these allegations can be considered *prima facie* reliable. If, as a result of these investigations, it could be reasonably assumed that some or all of these sites contain the remains of persons who were victims of war crimes, the findings of the Special Rapporteur would be forwarded to the Commission of Experts.

64. The mission of the Special Rapporteur on extrajudicial, summary or arbitrary executions was conducted from 15 to 20 December 1992. In the preliminary investigation and assessment of the sites visited, the Special Rapporteur was assisted by one member of the team of forensic experts referred to in paragraph 61 above. The findings will form part of the report of the Special Rapporteur on the situation of human rights in the former Yugoslavia to the Commission on Human Rights at its forty-ninth session.

IV. PROJECTED PLAN OF WORK

65. The Commission intends to complete the database as fast as possible since this alone can provide the foundation for the formulation of conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law.

66. For the reasons given in paragraph 31 above, the Commission intends to engage in selective in-depth investigations in the following general areas:

(*a*) Mass killings and destruction of property;

(*b*) Treatment of prisoners and detainees;

(*c*) Systematic sexual assaults;

(*d*) "Ethnic cleansing".

67. As short-term objectives the Commission intends:

(*a*) To conduct further investigations into mass killings and destruction of property in the Vukovar area by expanding the scope of the various investigations conducted by forensic experts from Physicians for Human Rights and by deploying a team of military lawyers, police investigators, and necessary support personnel to the Vukovar area;

(*b*) To conduct an on-site investigation into the treatment of prisoners and detainees at two or more camps or detention centres at places in Bosnia and Herzegovina yet to be specified;

(*c*) To study all available reports on systematic sexual assaults and determine as soon as possible the most effective way to approach the problem and whether on-site investigations should be undertaken;

(*d*) To study all available reports on "ethnic cleansing" and determine as soon as possible the most effective way to approach the problem and whether on-site investigations should be undertaken.

68. The Commission intends to avail itself of the offer of the Canadian Government to provide an investigative team and to use that team to commence the investigation of offences in the Vukovar area as soon as possible. The Commission does not, at present, have investigative teams at its disposal to conduct the investigations referred to in subparagraph 67 (*b*) or to conduct the potential on-site investigations referred to in subparagraphs 67 (*c*) and (*d*) above.

V. RESOURCES AND BUDGETARY REQUIREMENTS

69. The Commission has been provided with a budget for a period of nine months from 1 December 1992. It covers the compensation and travel of the members, as well as the travel and subsistence of two staff members sent over from the Office of Legal Affairs at Headquarters. It also provides for general temporary assistance, the latter object permitting only the recruitment of two secretaries. Any other costs have thus been left for absorption by the ordinary budget of the Organization.

70. To carry out its task, including the work on the database and in-depth investigations, additional means are required. As noted in paragraphs 34 and 68 above, the Commission intends to avail itself of the offers some Governments have already made. More will be needed, however, in terms of financial and personnel resources.

71. The Commission will make every effort to obtain such additional resources and it will, in particular, request the establishment of a trust fund to receive voluntary contributions intended to help the Commission carry out its mandate.

VI. CONCLUDING REMARKS

72. Jurisdiction for war crimes is governed by the universality principle and, hence, is vested in all States, whether parties to the conflict or not. Although the Genocide Convention emphasizes territorial jurisdiction, it also establishes the jurisdictional basis for an international tribunal. It is well recognized that the principle of universality can also apply to genocide as well as to other crimes against humanity.

73. States may choose to combine their jurisdictions under the universality principle and vest this combined jurisdiction in an international tribunal. The Nürnberg International Military Tribunal may be said to have derived its jurisdiction from such a combination of national jurisdictions of the States parties to the London Agreement setting up that Tribunal.

74. The Commission was led to discuss the idea of the establishment of an ad hoc international tribunal. In its opinion, it would be for the Security Council or another competent organ of the United Nations to establish such a tribunal in relation to events in the territory of the former Yugoslavia. The Commission observes that such a decision would be consistent with the direction of its work.

APPENDIX

Rules of procedure of the Commission

Rule 1. Mandate

The Commission shall examine and analyse the information submitted by States, international humanitarian organizations, or other persons or bodies pursuant to Security Council resolutions 771 (1992) and 780 (1992), as well as such further information as the Commission may obtain through its own investigations or efforts, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions of 12 August 1949[11] and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

Rule 2. Meetings and quorum

1. The Commission shall hold its meetings in private but may open them to the public as and when it deems it necessary for the enhancement of the effectiveness of its work.

2. The Commission shall meet at such times as it may designate; meetings may otherwise be called by the Chairman, as a rule with at least one week's notice.

3. The Chairman may declare a meeting open when at least a majority of the members of the Commission are present. The presence of a majority of the members shall be required for any decision to be taken.

Rule 3. Restraint in the disclosure of information

Members of the Commission shall exercise restraint in disclosing information. They shall refrain from taking a stand in public on any confidential question under discussion in the Commission. The Chairman will make information on the work of the Commission available to the extent he deems it appropriate.

Rule 4. Powers of the Chairman

The Chairman shall declare the opening and closing of each meeting of the Commission and, at such meetings, shall direct the discussions, accord the right to speak, put questions to the vote, announce decisions, rule on points of order and have complete control of the proceedings.

Rule 5. Secretariat

The Secretary of the Commission shall be responsible for making all arrangements connected with the work of the Commission including arrangements for the meetings of the Commission. He or she shall distribute documents and materials to the members of the Commission as requested by the Commission, its Chairman or any member thereof, and shall be responsible for the preparation of the records of the meetings of the Commission.

Rule 6. Records

1. The Commission will be provided with records of its meetings in English and French.

2. The Commission will arrange for the safe keeping and conservation of its records and files. After the conclusion of its work, the Commission will transmit its records and files to the Secretary-General of the United Nations.

Rule 7. Participation of States, international humanitarian organizations, or other persons or bodies

The Commission may invite States, international humanitarian organizations, or other persons or bodies to participate in its discussions, when the Commission deems it necessary for the enhancement of the effectiveness of its work.

Rule 8. Investigations

1. The Commission may hear witnesses or experts, on its own initiative or upon proposal by States, international humanitarian organizations, or other persons or bodies. In such cases, the Commission shall determine the modalities for summoning witnesses and experts. States whose nationals have been summoned to appear before the Commission as witnesses or experts may be invited to be present when their nationals are heard.

2. The Commission may decide to request States to hear witnesses or experts.

3. The Commission may decide to visit the territory of one or more of the States that formed part of the former Yugoslavia, or any other State, upon invitation or on its own initiative with the consent of any such State. Visits may be carried out by the Commission in its entirety, by one or more of its members, or by staff of the Commission, as decided by the Commission.

Rule 9. Decisions

The Commission will make every effort to take its decisions by consensus. In the absence of consensus, decisions of the Commission will be taken by a majority of the members present and voting.

Rule 10. Reports

1. The Commission may designate a rapporteur for any question of a general or specific nature.

2. The Commission shall report its conclusions to the Secretary-General in accordance with Security Council resolution 780 (1992).

3. Members of the Commission who wish to make a separate statement may have such a statement appended to the report.

Rule 11. Other procedural matters

Any procedural matters arising at a meeting which are not covered by these rules shall be dealt with by the Chairman in the light of the rules of procedure applicable to Committees of the General Assembly.

DOCUMENT S/25276

Letter dated 9 February 1993 from the representative of Iraq to the Secretary-General

[*Original: Arabic*]
[*11 February 1993*]

On instructions from my Government, I have the honour to transmit to you herewith the text of a letter dated 7 February 1993 addressed to you by Mr. Muhammad Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, regarding fresh violations of Iraqi airspace by a United States U-2 spy aircraft.

I should be grateful if you would have the text of this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Adnan MALIK
Chargé d'affaires a.i.
of the Permanent Mission of
Iraq to the United Nations

LETTER DATED 7 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to our letters to you, the most recent of which is dated 18 January 1993, concerning the violation of Iraqi airspace by a United States U-2 spy aircraft, which entered said airspace on the pretext that it was conducting an aerial survey for the Special Commission. I must inform you that at 11 a.m. on Monday, 25 January 1993, a United States U-2 aircraft bearing registration number UNT-01 and travelling from its base in Saudi Arabia violated Iraqi airspace and flew over vast areas of northern, central and western Iraq for 5 hours and 50 minutes before leaving Iraqi airspace at 4.50 p.m. and heading towards its base in Saudi Arabia.

At 10.10 a.m. on Thursday, 28 January 1993, this aircraft, coming from its base in Saudi Arabia, again violated Iraqi airspace. It flew over vast areas of central and western Iraq for 3 hours and 26 minutes, then left Iraqi airspace at 1.36 p.m. and headed in the direction of its base.

On Friday, 5 February 1993, at 10.05 a.m., this aircraft, coming from its base in Saudi Arabia, violated Iraqi airspace. It flew over vast areas of northern and central Iraq for 3 hours and 33 minutes and then left in the direction of its base in Saudi Arabia at 1.38 p.m.

At 10.20 a.m. on Saturday, 6 February 1993, this aircraft, coming from its base in Saudi Arabia, again violated Iraqi airspace. It flew over vast areas of northern Iraq for 3 hours and 17 minutes, then left at 2.37 p.m. in the direction of its base.

These four new incidents bring the total number of airspace violations committed by this aircraft to 112. We strongly condemn these unwarranted flights over our territory, and we reaffirm the position of Iraq - which we have stated on numerous occasions - that this aircraft is being used for purposes other than those specified by the Security Council and that its activities pose a threat to the sovereignty and security of Iraq.

(*Signed*) Muhammad Said AL-SAHAF
Minister for Foreign Affairs
of Iraq

DOCUMENT S/25277

Letter dated 4 February 1993 from the representative of Cuba to the President of the Security Council

[*Original: Spanish*]
[*11 February 1993*]

The Permanent Mission of Cuba to the United Nations has on many occasions had to protest to the Security Council concerning terrorist acts carried out against either the territory of the Republic of Cuba or Cuban juridical persons in which the Government of the United States was involved in one way or another, by commission or omission. This gave rise to a debate in the Security Council on the item regarding terrorism against Cuba and its inclusion in the Council's programme of work.

Such acts continue to occur in a variety of forms. In this instance, I find myself compelled to draw your attention and that of the members of the Security Council to the hijacking and diversion to the territory of the United States of America of a Cuban AN-28 aircraft bearing registration number CUT-110 and belonging to the Aerocaribbean company, which took place on the morning of 29 December 1992.

The available information on the event, including the news widely publicized in the United States press, supports the contention that the act of piracy was carried out with the collaboration of some of the crew of the aircraft who, in order to achieve their purposes, used violence to subdue the other crew members who were trying to prevent the diversion. As a result of this act, several of the passengers and crew on the flight were taken, against their will and by force, to an undesired location from which they later had to be repatriated to Cuba.

This act endangered the lives of innocent persons and affected aviation safety in the area, in violation of the relevant national and international norms and regulations in force, and its gravity is compounded by the favourable reception, preferential treatment and attention lavished with much propagandistic fanfare on the hijackers at the Miami International Airport by the United States authorities, in complete disregard of the fact that it was an obvious act of air piracy, a crime severely condemned by the international community and clearly defined as an act of terrorism.

Air piracy first became a serious problem in the 1960s, as one of the destabilizing practices waged by the United States Government against my country. For political reasons then, a climate of insecurity was created for aviation in the area, in a flagrant departure from international law and the most basic standards of civilized coexistence.

Subsequently, numerous incidents of air piracy took place in which flights were diverted from their normal routes, with United States aircraft involved as well. The Government of the Republic of Cuba responded to these undesirable practices by consistently maintaining a position of principle aimed at discouraging them by severely punishing their perpetrators, with the result that they were virtually eliminated.

The Cuban State, the victim of this kind of terrorism, remained true to the principles that guide its international conduct and did not allow such a practice to be turned against its initiators. In 1969 it passed a law specifically intended to prevent and punish this dangerous criminal act, at the same time submitting proposals for totally and finally eliminating it to the United Nations General Assembly at its twenty-fourth session.

By way of contrast, the unconscionable attitude towards the terrorist act that concerns us today shows that the United States authorities have not fulfilled their international obligations regarding terrorist acts, the result of which is to encourage them, as my country has repeatedly protested to the Security Council.

The Government of the Republic of Cuba has been patiently waiting for the United States authorities concerned to take appropriate legal action, in fulfilment of their international obligations, against the perpetrator or perpetrators of this act of air piracy. Yet today, more than a month after the events took place, no charges have as yet been brought against the principal perpetrator of this act of terrorism nor against his accomplices, all of whom instead remain at large and have been admitted "on their own recognizance" into United States territory.

The selective compliance with its international commitments that the United States Government has shown by its behaviour in this instance has also been a source of concern to airline officials, attorneys and persons connected with official air safety agencies of the United States of America. For example, according to *The New York Times* of 31 December 1992, Billie Vincent, former air safety chief of the Federal Aviation Administration of the Government of the United States, stated that "... by sanctioning the illegal diversion of a flight, we encourage this to happen again".

At the same time, the same issue of *The New York Times* reported that an attorney for a major airline considered that:

> "This is a very dangerous precedent that runs in the face of international aviation law. Once the pilot diverts his craft from its lawful journey and enterprise, I don't see any difference between him and a pirate".

Toleration of any kind of terrorist act, including air piracy, can only provoke its repetition, with the serious consequences entailed, for which, obviously, the Government of the United States of America will be entirely responsible.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Alcibíades HIDALGO BASULTO
Permanent Representative of
Cuba to the United Nations

DOCUMENT S/25278

Letter dated 10 February 1993 from the representatives of Romania and Ukraine to the President of the Security Council

[*Original: English*]
[*11 February 1993*]

We have the honour to transmit herewith the memorandum concerning the consultations between the delegations of Ukraine and Romania on questions regarding the observance of the United Nations sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

We should be grateful if you would have the text of this letter and the memorandum circulated as a document of the Security Council.

(*Signed*) Victor H. BATIOUK
Permanent Representative of
Ukraine
to the United Nations

(*Signed*) Valeriu FLOREAN
Chargé d'affaires a.i.of
the Permanent Mission of
Romania
to the United Nations

TEXT OF THE MEMORANDUM

[*Original: Russian*]

1. On 4 February 1993, consultations were held between Ukraine and Romania at Odessa, Ukraine, on questions regarding the observance of United Nations sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), in accordance with Security Council resolutions 757 (1992), of 30 May 1992, and 787 (1992), of 16 November 1992.

2. The Ukrainian and Romanian sides stressed their determination to uphold strictly the decisions of the Security Council relating to sanctions against the Federal Republic of Yugoslavia, and they exchanged information on the measures their Governments were taking to that end. The Ukrainian side also reported on its decision to organize missions to assist in observing the sanctions in the ports of Reni and Izmail, with a view to monitoring compliance with the relevant United Nations resolutions more effectively.

3. The two sides agreed on the urgent need for closer cooperation in the joint monitoring of the observance of the sanctions imposed by the international community on the Federal Republic of Yugoslavia in Ukrainian and Romanian ports on the Danube, and they made specific proposals to this end. Ukraine and Romania expressed their conviction that more effective cooperation between their respective transport, customs and border police services was necessary.

4. The Ukrainian and Romanian sides expressed their concern at the heavy losses, both direct and indirect, the two countries were sustaining by implementing the Security Council sanctions against the Federal Republic of Yugoslavia. Basing themselves on Article 50 of the Charter of the United Nations and on the report of the Secretary-General of the United Nations entitled "Agenda for peace" [*S/24111*], submitted to the General Assembly at its forty-seventh session, they expressed their intention to request the Security Council and other competent United Nations bodies to find optimum means of solving those problems in order to alleviate the economic hardships imposed by the implementation of Security Council resolutions 757 (1992) and 787 (1992).

DOCUMENT S/25279

Letter dated 10 February 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*11 February 1993*]

I have the honour to write to you regarding the letter addressed to you by Mr. Muhamed Sacirbey on 2 February 1993 [*S/25219*], and would like to draw your attention to the following:

The Security Council has been informed in detail of the numerous acts of armed aggression and provocations by Muslim forces from Bosnia and Herzegovina directed against the territorial integrity and sovereignty of the Federal Republic of Yugoslavia, by the letters from President Dobrica Cosic of 17 January 1993 [*S/25117*] and Minister for Foreign Affairs Ilija Djukic of 3 February 1993 [*S/25229*].

Owing to the scope and intensity of the aggression, the Federal Republic of Yugoslavia was compelled to request the Security Council's immediate action. However, in order to deter attacks of Muslim forces and protect its territory and civilian population, the Army of Yugoslavia acted in self-defence and returned fire from its territory.

Although the frequency of aggressive acts against the territory of the Federal Republic of Yugoslavia fully deserves to be responded to with all available means, the Federal Republic of Yugoslavia, consistent to its peaceful orientation, has endeavoured to limit its military response to the lowest possible level. As we pointed out on many previous occasions, the goal of the Bosnian Muslim militant leadership is to provoke a conflict and draw the Federal Republic of Yugoslavia into war in order to undermine the whole peace process and bring about military intervention in the territory of the former Bosnia and Herzegovina and the Federal Republic of Yugoslavia.

Consequently, the letter which contains unsubstantiated allegations is just another step in a series of attempts to deliberately mislead the Security Council. The letter speaks about aggression of powerful forces, "directed at the poorly armed, hungry and sick population", which is the culmination of hypocrisy. The facts presented in the above-mentioned letters from the President of the Federal Republic of Yugoslavia and the Minister for Foreign Affairs unambiguously show that what is involved here is not a "poorly armed, hungry and sick population" but well armed fanatical warriors who brutally terrorize the Serbian population in pursuit of a policy of genocide and ethnic cleansing of Serbs from their ancestral homes along the left bank of the Drina River, particularly in the areas of Zvornik, Bratunac, Skelane, Vlasenica and Sekovic.

The allegations about the aggression of the Army of Yugoslavia against the Bosnian Posavina are far-fetched and unfounded and, as such, deserve no comment or denial. It is a well-known fact that the Army of Yugoslavia left the territory of Bosnia and Herzegovina long ago, so that the allegations about 100 tanks and 16,000 troops of the Army of Yugoslavia in Posavina and about their offensive against Orasje and Gradacac are intended to mislead the Security Council and the international public.

In the meantime, the Muslim forces continue their attacks on the territory of the Federal Republic of Yugoslavia, particularly by shelling towns and villages along the border with Bosnia and Herzegovina. Even today, they launched artillery attacks in the area of Banja Koviljaca, in Yugoslavia. They have also engaged in the practice of sending boats filled with explosives across the Drina River with a view to causing structural damage and generating fear and anxiety among the civilian population in Yugoslavia.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

DOCUMENT S/25280*

Letter dated 11 February 1993 from the representative of Yugoslavia to the Secretary-General

[*Original: English*]
[*11 February 1993*]

I have the honour to transmit herewith the statement of Mr. Ilija Djukic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia concerning the statement of Mr. Warren Christopher, Secretary of State of the United States of America.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i. of
the Permanent Mission of Yugoslavia
to the United Nations

TEXT OF THE STATEMENT

The Federal Republic of Yugoslavia welcomes the decision of the United States of America to engage actively and directly in the current peace negotiations regarding Bosnia and Herzegovina.

We consider it very significant that the United States strongly supports the efforts through the Vance-Owen negotiations. Yugoslavia has already supported the plan of Mr. Vance and Lord Owen as the most complete and realistic framework for achieving a just and lasting peace in Bosnia and Herzegovina, despite certain shortcomings that can be overcome through negotiations.

We are particularly pleased that the United States shares the long-held Yugoslav position that the only way to end this conflict is through negotiations and that the settlement of the crisis cannot be imposed, but can only be reached by the full agreement of the three Bosnian sides - Muslims, Serbs and Croats.

Yugoslavia also welcomes the active involvement in the peace negotiations of the Russian Federation, which like the United States, has strong historical ties with the peoples of the Federal Republic of Yugoslavia.

I wish to recall that as early as 30 May 1992, the Serbian leadership proposed that the United States and the Russian Federation be directly involved in the resolution of the crisis in order to avert the onset of bloodshed in Bosnia and Herzegovina.

Regrettably, the statement of the Secretary of State, Mr. Christopher, contains one-sided qualifications and certain allegations directed primarily against the Federal Republic of Yugoslavia and Serbia.

It is astonishing, unacceptable and even discouraging that Yugoslavia and Serbia are threatened with the further tightening of sanctions and political pressure, particularly since it is well known that Yugoslavia and its Republics, Serbia and Montenegro, played a crucial role in Geneva in facilitating the progress in the peace talks, and that we have remained committed to such a policy of peace, which we also confirmed here, in New York. Our peace efforts have been repeatedly commended by the Secretary-General and the Co-Chairmen of the Steering of the International Conference and in the deliberations in the Security Council.

Since there is no alternative to political settlement, Yugoslavia is prepared to continue to play its role and use its influence so that the Vance-Owen plan will be accepted through peace negotiations with all three sides. In the same vein, equal pressure should be brought to bear on all sides that instigate armed conflicts in the territory of the former Yugoslavia so that they cease hostilities and accept political negotiations as the only way to resolve the conflicts.

In that connection, we have to point out that Croatia's aggression on the United Nations Protected Areas inhabited predominantly by the Serbs has to be stopped and resolution 802 (1993), as well as other relevant resolutions of the Security Council, fully and immediately implemented, since this aggression directly jeopardizes all peace efforts in Bosnia and Herzegovina.

DOCUMENT S/25282**

Letter dated 11 February 1993 from the observer of Palestine to the Secretary-General

[*Original: English*]
[*11 February 1993*]

I am instructed by the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention.

The situation in the occupied Palestinian territory, including Jerusalem, has been tragically and dangerously deteriorating in a rapid manner. The number of Palestinian civilians that have been killed and the number of those that have been seriously wounded or injured by the Israeli army has been drastically increasing since Mr. Rabin took office in July 1992, and particularly in the last few weeks. The alarming figures of dead and wounded include a large number of Palestinian children under the age of 16 years. It is clear that the Israeli army has intensified its use of lethal methods and means of repression against the Palestinian people living under occupation.

Today, 11 February 1993, the Israeli army imposed a curfew on the area of Khan Younis in Gaza, and prevented employees of the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East from entering it to carry out their much-needed services. The army used helicopters and armoured vehicles in a repressive campaign against the Palestinian people in the area. As they have done on previous occasions, the army also demanded the evacuation of five homes and then proceeded to fire missiles at the houses. Recent similar practices by the Israeli army have caused the destruction of approximately 60 homes in Gaza. The casualties resulting from today's actions by the army have not yet become clear.

It is outrageous and distressing that such acts continue, making it even more imperative for the Security Council to take immediate measures to put an end to such criminal actions and to provide international protection for the Palestinian people, in accordance with Security Council resolution 681 (1990) and as expressed by you in your report dated 25 January 1993 to the Security Council [*S/25149*]. At this time, I wish to express our astonishment that the Security Council has yet to consider the above-mentioned report, which was submitted to the Council in accordance with resolution 799 (1992). We urge the Security Council to consider the report immediately, with the aim of achieving the full implementation of resolution 799 (1992) and putting an end to the agony and suffering of the Palestinian people in the occupied Palestinian territory, including Jerusalem.

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*Circulated under the double symbol A/48/85-S/25280.

**Circulated under the double symbol A/47/888-S/25282.

I would be grateful if you could arrange to have the present letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

DOCUMENT S/25283

Letter dated 11 February 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*12 February 1993*]

I have the honour to transmit herewith a letter from Mr. Ilija Djukic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 11 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am deeply concerned that despite our repeated and urgent warnings, the armed aggression against the territorial integrity and sovereignty of the Federal Republic of Yugoslavia still persists.

In addition to arguments already presented to the Security Council in the letters of the President of the Federal Republic of Yugoslavia and myself respectively, allow me to draw your attention to new stark examples of acts of armed aggression of the Muslim forces against the Federal Republic of Yugoslavia.

On 9 February 1993, at around 6 p.m., the Muslim forces launched one mortar shell from the territory of Bosnia and Herzegovina on the region of Bajina Basta, in the Federal Republic of Yugoslavia.

On 10 February, at around noon, the Muslim forces fired two 105-mm shells from the territory of Bosnia and Herzegovina on the town of Mali Zvornik (Federal Republic of Yugoslavia), killing a girl and seriously injuring two other civilians.

On 10 February, at around 12.10 p.m., the Muslim forces launched a 122-mm grenade from the territory of Bosnia and Herzegovina that hit the forest in Banja Koviljaca (Federal Republic of Yugoslavia).

These acts not only represent repeated flagrant violations of the basic principles of the Charter of the United Nations and international law but also exemplify impudent and criminal behaviour directed against a sovereign and peaceful country.

It is with deep regret that I have to note that our extremely serious and timely warnings to the Security Council unfortunately have not been met with an adequate response from this important international forum. That has obviously encouraged the Muslim side in Bosnia and Herzegovina to continue its aggressive activities with a view to provoking the Federal Republic of Yugoslavia and embroiling it in the civil and religious war in Bosnia and Herzegovina. That would not only keep us far from peace in Bosnia and Herzegovina but would undoubtedly further spread the flames of war wider in the Balkans. Yugoslavia surely would not want that to happen and I am confident that other countries of the region would not want that either.

To back up those assertions, one only needs to consider the overall conduct of the Muslim side in the peace process, precisely at this crucial phase in New York, to which Yugoslavia has been fully contributing from the very beginning.

Guided by the sincere wish to achieve peace and find a solution to the crisis as urgently as possible in the whole territory of the former Socialist Federal Republic of Yugoslavia, the Federal Republic of Yugoslavia has desisted from responding adequately to the Muslim aggression. However, it remains to be seen how long it can do so in the future, should the Security Council fail to fulfil its obligation again to take the necessary measures with a view to containing the aggression and undertake punitive measures against the aggressor.

We expect the Security Council to react promptly and adequately.

(*Signed*) Ilija DJUKIC
Minister for Foreign Affairs
of Yugoslavia

DOCUMENT S/25284

Letter dated 11 February 1993 from the representatives of Bulgaria and Romania to the President of the Security Council

[*Original: English*]
[*12 February 1993*]

Upon instructions from our Governments, we have the honour to transmit herewith the text of the communiqué on the consultations between the Ministry of Foreign Affairs of the Republic of Bulgaria and the Ministry of Foreign Affairs of Romania regarding the implementation of the Security Council sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro).

We should be grateful if you would have the text of the present letter and the communiqué circulated as a document of the Security Council.

(*Signed*) Slavi PASHOVSKI
Permanent Representative of Bulgaria
to the United Nations

(*Signed*) Valeriu FLOREAN
Chargé d'affaires a.i. of
the Permanent Mission of Romania
to the United Nations

TEXT OF THE COMMUNIQUE

On 9 February 1993 the Ministries of Foreign Affairs of the Republic of Bulgaria and Romania, riparian States on the Danube, held consultations on the implementation of the Security Council sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro). The Bulgarian delegation was led by Mr. Valentin Dobrev, Deputy Minister for Foreign Affairs, and the Romanian delegation by Mr. Constantin Ene, Secretary of State at the Ministry of Foreign Affairs.

The participants exchanged views on the recent flagrant violations of the United Nations sanctions committed by ships sailing on the Danube under the flag of the Federal Republic of Yugoslavia. They pointed out that the measures undertaken by the Bulgarian and the Romanian authorities to halt the five Yugoslav convoys were fully in compliance with the provisions of Security Council resolutions 757 (1992) and 787 (1992) and the guidelines adopted by the Security Council Committee established pursuant to resolution 724 (1991). Sharing the view that the use of armed force is not explicitly stated in Security Council resolution 787 (1992), the two parties stress once again that such actions on their part could have unpredictable political, humanitarian, military and environmental consequences for the region.

It was pointed out that, in accordance with paragraph 13 of resolution 787 (1992), both States have exhausted all possible unilateral means commensurate with the specific circumstances to halt the Serbian ships.

The two parties reaffirmed their determination expressed in the Declaration of the Bulgarian Government of 1 February 1993 [*S/25213*] and the Declaration of the Romanian Government of 27 January 1993 [*S/25189*] to persist in the strict observance of Security Council resolutions 713 (1991), 757 (1992) and 787 (1992). The competent Bulgarian and Romanian authorities will continue to coordinate their actions with regard to the implementation of the sanctions and will take practical measures to make this coordination more effective.

The Ministries of Foreign Affairs of both States will continue to lend their support to the competent national authorities and at the same time will cooperate with a view to enhancing the effectiveness of the measures for the implementation of the sanctions on the Danube. They will cooperate actively with the Sanctions Assistance Missions of the Conference on Security and Cooperation in Europe (CSCE) and the European Community (EC). In this context, they called for a timely deployment of such missions at the ports of all riparian States in the lower course of the Danube. They welcomed the appointment of a CSCE/EC coordinator on these issues. Both parties expressed the hope that they will urgently receive the technical assistance requested in pursuance of paragraph 15 of Security Council resolution 787 (1992), which is needed to improve the technical equipment of the competent national authorities directly involved in the implementation of the sanctions on the Danube.

The representatives of the two Ministries considered also the possibilities of enhancing Bulgarian-Romanian cooperation on these issues within the United Nations. Bulgaria and Romania agreed to undertake a joint *démarche* before the United Nations, requesting the deployment of a United Nations mission in the lower course of the Danube with a mandate to assist the implementation by the authorities of the riparian countries of the provisions of the Security Council resolutions and, in particular, to prevent from the very beginning any actions which represent or could lead to violations of the sanctions. The Permanent Missions of Bulgaria and Romania to the United Nations will cooperate on the issues relevant to the implementation of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

It was pointed out at the meeting that, owing to the implementation of the sanctions, Bulgaria and Romania suffer considerable damages. Availing themselves of the right under Article 50 of the Charter, Bulgaria and Romania will undertake the necessary steps before the Security Council aimed at finding ways and means to reduce their serious economic difficulties by receiving compensation for the losses incurred as a result of the implementation of Security Council resolutions 757 (1992) and 787 (1992).

The representatives of the Ministries of Foreign Affairs of Bulgaria and Romania expressed the readiness of their States to organize a trilateral meeting with the participation of experts from Bulgaria, Romania and Ukraine to discuss measures for enhancing the cooperation between the competent national authorities in the implementation of the sanctions on the Danube.

Both parties agreed that the present communiqué will be released to the press and submitted to the Security Council.

DOCUMENT S/25288

Letter dated 12 February 1993 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*12 February 1993*]

The Republic of Croatia appreciates the noble and valiant work of the Security Council and Secretary-General in their efforts to find a durable solution to the crisis on the territory of former Yugoslavia. In this regard the Croatian Government is ready to fully cooperate with the United Nations, looking forward to the peaceful settlement and the end of hostilities in Croatia and Bosnia and Herzegovina. However, concerning the UNPROFOR [*United Nations Protection Force*] operation inside Croatia, we must underline that the Republic of Croatia is entering this process as a sovereign State Member of the United Nations and is reserving the right to decide by itself whether to accept further presence of the UNPROFOR troops on its territory.

Croatia welcomes the Secretary-General's proposal that the existing UNPROFOR mandate be prolonged for an interim period up to 31 March 1993, as contained in document S/25264. That will provide sufficient time for substantial negotiations about the extension and definition of the UNPROFOR mandate. We would like once again to stress the importance of taking decisive measures aimed at enforcement of Security Council resolutions and the Vance plan. So far, experience with the UNPROFOR operation in Croatia has proved that the strategic goals of the Vance plan cannot be achieved without a more determined policy of the world community.

We are proposing that an additional period up to 31 March 1993 be used for the talks with the representatives of Serbian population in UNPAs - within the framework of the International Conference on the Former Yugoslavia in Geneva - in which they should be convinced to accept the guarantees given to them by the Republic of Croatia with regard to the human, ethnic and special minority rights granted to them by the Croatian Constitution and the special Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities of Minorities in the Republic of Croatia (passed on 8 May 1992), and Amnesty Law on Criminal Offences Committed during Armed Conflicts and War against the Republic of Croatia (passed on 25 September 1992). These laws were passed by the Croatian Parliament especially to alleviate possible concerns of the Serbian population with regard to their status, and was positively evaluated by the experts of the European Community.

Croatia is supporting the work of the Co-Chairmen of the Steering Committee of the Conference, and is inviting them to help in these talks. Croatia will welcome the positive outcome of these talks, and is expecting that the United Nations will use all its influence to ensure the full implementation of the settlement reached.

The Croatian Government is prepared to prolong the UNPROFOR mandate, but we must condition our final decision on the necessary substantive changes in the approach and operational framework of the existing UNPROFOR action. It is the firm position of the Croatian Government that the new mandate of the United Nations operation on the territory of the Republic of Croatia should be based on the essential principles of an active peacemaking operation. The future UNPROFOR activities should create the basic conditions for promoting the post-war confidence-building process, based on minority and human rights protection, full respect for the civil state and its laws, and gradual restoration of the governmental authority of the Republic of Croatia on all its territory.

Croatia is emphasizing the importance of fulfilling several fundamental elements on which prolongation of the UNPROFOR mandate in the Republic of Croatia must be based. We strongly believe that the implementation of these steps must be defined by a specific time-table and deadlines:

1. The complete and immediate disarmament of all paramilitary forces and "militia" in UNPAs and "pink zones" and destroying of their heavy weapons, or putting it under strict and effective United Nations control, as a prerequisite for the full demilitarization of UNPAs and the establishment of local police forces in accordance with the general principles of the Vance plan.

This action will create a new political environment which will enable people living in these areas to get rid of the warlords and other extremists and start the post-war confidence-building process which will establish a non-violent coexistence amongst the people living there. This is also an essential step that will prevent the intended "unification" of the territories occupied by Serbian rebels in Croatia and Bosnia and Herzegovina;

2. Voluntary and unconditional return of all the refugees and displaced persons to their homes in the UNPAs, which is of utmost importance as a crucial step in reversing the "ethnic cleansing" process;

3. Full implementation of Security Council resolution 769 (1992), which imposes tight control by UNPROFOR forces of certain border areas in Croatia where the boundaries of the UNPAs coincide with internationally recognized frontiers of the Republic of Croatia;

4. Endorsement of the Security Council for the immediate beginning of the process of restoring Croatian authority in the so-called "pink zones". The full reintegration of these areas into the political, social, economic, fiscal, transportation and judicial system of the Republic of Croatia should be achieved through peaceful means and in a manner that completely corresponds to the United Nations and CSCE standards. Croatia plans to maintain peace and order in the "pink zone" only with its police forces.

We consider as the most important step to strengthen the peace process on the territory of the Republic of Croatia the urgent start of action that will result in the complete demilitarization of the UNPAs. The Croatian army will stay outside the "pink zone" area, and is ready to - as a good-will gesture - withdraw its forces up to 10 kilometres from the present UNPA borders. In response, Croatia expects the armed forces of the Federal Republic of Yugoslavia (Serbia and Montenegro) to withdraw 10 kilometres from the Danube and other parts of the Croatian border with the Federal Republic of Yugoslavia (Serbia and Montenegro).

I would kindly request that you have this letter circulated as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative of
Croatia to the United Nations

DOCUMENT S/25289

Report of the Secretary-General on the implementation of Security Council resolution 792 (1992)

[*Original: English*]
[*13 February 1993*]

1. The present report is submitted to the Security Council in pursuance of paragraph 21 of resolution 792 (1992), by which the Council requested me to report no later than 15 February 1993 on the implementation of that resolution and on any further measures that might be necessary and appropriate to ensure the realization of the fundamental objectives of the Paris agreements on Cambodia [*S/23177, annex*].

2. In accordance with paragraph 10 of resolution 745 (1992), I submitted to the Security Council on 25 January 1993 my third progress report on the United Nations Transitional Authority in Cambodia (UNTAC) [*S/25124*]. The present report should be read in conjunction with the third progress report.

I. MEETINGS OF THE SUPREME NATIONAL COUNCIL

3. On 28 January 1993, His Royal Highness Prince Norodom Sihanouk chaired a meeting of the Supreme National Council of Cambodia in Beijing. During this meeting, the Supreme National Council agreed that, in accordance with paragraph 5 of resolution 792 (1992), the elections for the Constituent Assembly should be held from 23 to 25 May 1993 (see sect. VII below). The Supreme National Council also approved seven additional rehabilitation projects totalling $25 million, reviewed the status of the implementation of the moratorium on the export of logs and considered a similar moratorium on the export of minerals and gems (see sect. V below).

4. In addition, the Supreme National Council discussed the possibility of issuing a declaration denouncing all acts of violence, urging self-restraint on the Cambodian parties and calling for an end to violence directed against UNTAC. The representative of the Party of Democratic Kampuchea (PDK) objected to the adoption of such a declaration, but Prince Sihanouk decided that he would issue a statement in his own name, noting that three of the four Cambodian parties supported it (see annex below).

5. Prince Sihanouk also used the occasion to express renewed support for UNTAC and assured the meeting that he would continue to cooperate with the United Nations in the implementation of the Paris agreements. He informed my Special Representative that he would be returning to Phnom Penh on 9 February 1993.

6. On 10 February the Supreme National Council met again in Phnom Penh, for the first time since October 1992. The agenda of the meeting, which was chaired by Prince Sihanouk, included items on a neutral political environment and the preservation of Cambodia's natural resources. The results of that meeting, as well as those of the meeting of 28 January, are discussed in more detail below.

II. THE MILITARY SITUATION

7. Since my third progress report, the Cambodian People's Armed Forces (CPAF), the army of the Party of the State of Cambodia (SOC), have launched attacks on the National Army of Democratic Kampuchea (NADK), the armed forces of PDK, in a number of districts. Exchanges of artillery and mortar fire between CPAF and NADK as well as movements of troops by the two forces have also occurred. These activities focused on two broad areas: west-central Battambang province

and north-western Kompong Thom/south-central Preah Vihear provinces. Smaller actions have taken place in Kratie and Siem Reap provinces. Using combinations of artillery, armoured vehicles and tanks, CPAF has drawn closer to the PDK-held district town of Pailin in Battambang province. UNTAC has protested these moves which, taken together, constitute a serious cease-fire violation. My Special Representative has called on SOC to desist from violating the cease-fire and to exercise self-restraint. CPAF has since drawn back from the furthest point of its advance and, while tension persists and cease-fire violations continue to occur, the situation is now calmer. Mr. Hun Sen has called for UNTAC forces to interpose themselves between the two sides as a "buffer zone", but this could be done only with the consent and cooperation of both parties. PDK has reiterated its position that it will not permit UNTAC to establish itself in its zone unless its conditions for joining the peace process are met.

8. It should be recalled in this context that PDK has failed to comply with the military provisions of the Paris agreements and that NADK, as noted in my third progress report [*S/25124, para. 36*], had attempted to consolidate its gains and interrupt CPAF's communications. Under such circumstances, the Phnom Penh authorities have asserted that they had the right to protect themselves against any offensive action by NADK. UNTAC has pointed out, however, that CPAF's recent moves have exceeded the bounds of self-defence.

9. Over the past few weeks, and especially since the CPAF attacks in the Pailin area, NADK has tightened restrictions on the group of 12 UNTAC personnel deployed in the town, who include military observers, mine-clearance personnel, signals staff and interpreters. At one time they were subject to virtual house arrest. These restrictions have eased somewhat following UNTAC protests, but the situation is not yet satisfactory. My Special Representative has made it clear to PDK that the UNTAC personnel in Pailin must be permitted to carry out their normal duties without let or hindrance.

10. In paragraph 18 of its resolution 792 (1992), the Security Council requested me to consider the implications for the electoral process of the failure by PDK to canton and demobilize its forces and, in response to this situation, to take all appropriate steps to ensure the successful implementation of the electoral process.

11. Paragraphs 39 to 43 of my third progress report describe the steps taken by the military component of UNTAC when it became clear that it would not be possible to implement cantonment and disarmament. The most important aspects of the resulting redeployment involved the protection of the registration exercise and activities in support of a neutral political environment. They are described in the relevant sections. The military component's dispositions for the protection of the election itself will be discussed in more detail in the fourth progress report, which is due in April 1993.

III. CREATION AND MAINTENANCE OF A NEUTRAL POLITICAL ENVIRONMENT

12. Paragraph 95 of my third progress report described the three categories into which threats to public order in Cambodia can be divided: politically motivated attacks on political party offices and staff; attacks on Vietnamese-speaking persons; and killings that seem to have no particular political motivation but which spread a climate of fear and intimidation. Subsequent paragraphs of that report described the violent incidents that had occurred, as well as the measures undertaken by UNTAC to counter them. On 1 February 1993, as a further refinement of these measures, UNTAC civilian police, in consultation with the military component and with the cooperation of the Cambodian police, instituted static guarding of political party offices considered to be most at risk during the hours of darkness, when attacks are most likely.

13. Scores of incidents of political or ethnic violence, which have resulted in some 60 deaths since August 1992, as well as acts of harassment and intimidation, have also been reported to UNTAC officials. Responsibility for the killings of Vietnamese-speaking persons has generally been attributed to NADK elements, while investigations carried out by UNTAC indicate that the great majority of attacks on political party offices and members are attributed to soldiers, police or supporters of SOC. The broad picture that emerges from the figures is that incidents of violence and intimidation peaked in December 1992, after rising through October and November, but fell significantly in January 1993. However, political violence seems to have increased somewhat in early February with the detention of four members of the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC) in Battambang and an attack on Bakan district, Pursat Province, on the night of 8-9 February 1993, which caused the deaths of five local civilians. UNTAC premises and property were also damaged in the attack, but there were no UNTAC casualties. Many of the incidents have been concentrated in Battambang and Kompong Cham provinces, and the victims in the vast majority of cases were members of FUNCINPEC.

14. Other acts of violence that may or may not be politically motivated continue. Late at night on 12 January, an armed band of some 40 men attacked the village of Phum Angkrong in Siem Reap Province, killing three Cambodians, including two UNTAC electoral workers. My Special Representative condemned the attack, which was carried out by persons unknown. On 27 January 1993, approximately 3 kilometres north-east of Phum Angkrong, about 10 to 15 armed assailants killed 8 Cambodians - 4 men and 4 women - and injured 12 others. UNTAC civilian police are investigating these attacks amid indications that NADK elements may have been responsible for both of them.

15. As described in my third progress report (para. 103), my Special Representative established on 6 January a special UNTAC office with powers to arrest, detain and prosecute persons accused of politically motivated criminal acts and human rights violations. UNTAC has since instituted proceedings against two suspects arrested by it and now held in its custody. The first is a police officer of SOC, who has been charged with the murder of a FUNCINPEC party official. The second is a member of NADK, who is charged, on the basis of his confession, with the murder of 13 ethnic-Vietnamese Cambodians and 2 other Cambodians.

16. Following the discussions my Special Representative had with Mr. Hun Sen in January, Mr. Chea Sim, President of the "national assembly" of SOC, called on the local authorities to take all necessary measures to protect offices of political parties, thwart all forms of criminal activity and safeguard public security. My Special Representative has urged leaders of all political parties to help to create in the minds of their followers tolerance for peaceful political competition and to ensure adherence to the code of conduct during the forthcoming political campaign.

17. Maintenance of a neutral political environment has also been tested by a propaganda campaign by the Phnom Penh administration against UNTAC through television, radio and the party newspaper. While attacks against UNTAC on the PDK radio have been common and have become increasingly hostile for several months, the SOC campaign began fairly recently. The motive appears to be to spread the message that only SOC can defend the country against PDK and so deserves electoral support, while UNTAC cannot be trusted to protect Cambodians. In fact, the military component has strengthened its anti-banditry patrols in the remoter parts of the country and reinforced its support for other components and for the electoral process. It is deployed in some 270 locations throughout Cambodia. Military patrols are also supplementing the other measures taken by UNTAC to protect political party offices deemed to be at risk of attack. Civic action programmes undertaken by the military component in the more remote

regions of the countryside reinforce these messages of UNTAC's commitment to the Cambodian people.

IV. NON-COOPERATION OF THE PARTY OF DEMOCRATIC KAMPUCHEA

18. On 27 January 1993, my Special Representative met in Beijing with Mr. Khieu Samphan, President of PDK, in a renewed effort to secure his party's cooperation with UNTAC. Mr. Akashi recalled the relevant provisions of Security Council resolution 792 (1992), especially paragraph 5, which stated that UNTAC should proceed to conduct free and fair elections in all parts of Cambodia to which it had full access as at 31 January 1993. He stressed that the elections were designed to produce a peaceful, stable and united Cambodia and that it was in the long-term interests of PDK to take part. However, Mr. Khieu Samphan insisted that the conditions stated by his party - the removal of foreign forces from Cambodia, the granting of greater powers to the Supreme National Council and full UNTAC control over the five areas of foreign affairs, national defence, public security, finance and information specified in the Paris agreements - be fulfilled before his party would join the peace process.

19. As noted in my third progress report, PDK has remained unwilling to guarantee access to the zones under its control for the purpose of voter registration. However, on some occasions NADK soldiers and officers registered and assisted or allowed other people living in PDK zones to register. Neither PDK nor the political party whose formation it announced in November 1992, the National Unity of Cambodia Party, applied for official registration to take part in the elections for the Constituent Assembly.

V. BORDER CONTROL AND THE PRESERVATION OF CAMBODIA'S NATURAL RESOURCES

20. By paragraphs 10, 12, 13 and 14 of its resolution 792 (1992), the Security Council adopted a number of measures aimed at protecting the natural resources of Cambodia, particularly timber, minerals and gems, and at improving the implementation of article VII of annex 2 to the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict [*S/23177, annex*]

21. In accordance with those provisions, UNTAC appealed to neighbouring countries to assist in the implementation of the moratorium. Towards the end of December 1992, the Governments of the Lao People's Democratic Republic, Thailand and Viet Nam all announced that they would impose a complete ban on the import of logs from Cambodia beginning 1 January 1993. In a letter dated 5 January 1993, Mr. Hun Sen also informed UNTAC that the necessary orders had been given to all competent organs of the Phnom Penh authorities regarding the ban on the export of logs.

22. In addition, UNTAC deployed border control teams to monitor closely any violations of the moratorium by land or sea. Regrettably, numerous and large-scale violations, by both routes, have continued to occur, as indicated below. Furthermore, UNTAC's efforts to establish an additional 9 checkpoints along the border with Thailand, which would raise to 17 the number of checkpoints on that border, have proved unavailing. The part of the border which remains to be covered lies within the zone controlled by PDK, which has refused to permit the establishment of checkpoints there. The figures below therefore do not include the bulk of log exports from the PDK zone.

23. United Nations observers at the checkpoints recorded a total of 46 violations of the moratorium between 1 January and 5 February 1993, with 46,507 cubic metres of logs being transported by personnel belonging to three of the Cambodian parties to seven known destinations, as follows:

Party	*Number of consignments*	*Volume of wood* (cubic meters)
SOC	42	46 042
PDK	3	150
FUNCINPEC	1	315
Khmer People's National Liberation Front	0	0
Total	46	46 507

Destination	*Number of consignments*	*Volume of wood* (cubic meters)
Thailand	21	21 802
Viet Nam	7	1 871
Lao People's Democratic Republic	4	5 018
Japan	3	11 600
Singapore	1	1 500
Pakistan	1	3 114
Hong Kong	1	30
Unknown	8	1 572
Total	46	46 507

24. In approving the moratorium on log exports on 22 September 1992, the Supreme National Council agreed at the same time to place the export of sawn timber under the control and monitoring of UNTAC in close consultation with the Supreme National Council. At the meeting of the Supreme National Council on 10 February 1993 it was agreed, on the proposal of UNTAC, that the Technical Advisory Committee dealing with this question should determine a ceiling on the export of sawn timber in 1993 which would result in a significant decrease in the number of trees felled.

25. At the meeting on 28 January 1992, UNTAC proposed, in pursuance of paragraph 14 of resolution 792 (1992), the adoption by the Supreme National Council of a moratorium on the export of minerals and gems from Cambodia, to enter into force as from 28 February 1993. This draft declaration, amended on the proposal of FUNCINPEC to include the commercial extraction of mineral resources onshore and offshore, had received the support of three of the four Cambodian parties in the Technical Advisory Committee, but objections were expressed by PDK. The question was raised again at the Supreme National Council meeting on 10 February, and it was decided to adopt the moratorium despite continued objection by PDK.

26. By paragraph 10 of its resolution 792 (1992), the Security Council called on those concerned to ensure that measures were taken to prevent the supply of petroleum products to the areas occupied by any Cambodian party not complying with the military provisions of the Paris agreements, and requested me to examine the modalities of those measures.

27. As noted in my previous reports, PDK has failed to comply with the military provisions contained in the Paris agreements, especially cantonment and disarmament. Accordingly, UNTAC has entered into discussions with the Government of Thailand, which borders on most of the zones controlled by PDK, regarding the implementation of that provision.

28. Pursuant to those discussions, the Thai authorities have announced that petroleum shipments from Thailand to Cambodia have been suspended. Procedures are being put in place that would allow, under UNTAC monitoring, a controlled volume of petroleum from Thailand to enter the zones of those parties fulfilling their responsibilities under the Paris agreements. Shipments through other borders will continue, but will be closely monitored. Internal movements of petroleum products will be controlled by SOC. To deter violations of the ban, all roads into the relevant areas are to be patrolled and mobile checkpoints established under UNTAC monitoring.

29. In the broader context of border control, UNTAC's involvement will be diversified with the deployment of civil administration staff to monitor other areas such as customs and immigration control. The 23 checkpoints now in operation are each manned by an UNTAC team comprising military observers, armed soldiers and civilian police with communication support facilities. All the Cambodian parties have been invited to send representatives and all except PDK are represented at the checkpoints.

VI. REHABILITATION ASSISTANCE

30. By paragraph 20 of its resolution 792 (1992), the Security Council invited the States and international organizations providing economic assistance to Cambodia to convene a meeting to review the current state of such assistance, in the wake of the Ministerial Conference on Reconstruction and Rehabilitation of Cambodia held at Tokyo in June 1992.

31. At the Supreme National Council meeting of 28 January 1993 held at Beijing, my Special Representative announced that some $540 million of the $880 million pledged at the Conference had now been committed for specific rehabilitation activities. He informed the Supreme National Council, however, that UNTAC was concerned about the actual level of disbursements, which currently stand at $95 million. The lack of funding for certain sectors of specific activities, including training and the maintenance of essential social services, also gave rise to concern that those deficiencies might compromise the overall rehabilitation effort.

32. To address those concerns, and in pursuance of Security Council resolution 792 (1992), informal consultations were held with donors in New York and Phnom Penh to discuss the holding of a meeting to review rehabilitation efforts. As a result of these consultations, it was agreed that a technical-level meeting of donors should be held in Phnom Penh on 25 February 1993 with the participation of the Cambodian parties and of all countries and organizations providing assistance to Cambodia, including non-governmental organizations. The meeting will assess the commitments made by the end of January 1993 against the pledges made in Tokyo; review the constraints in the disbursement of these commitments; and consider the priority needs that had emerged since the Tokyo Conference. The meeting will also prepare the ground for the holding, following the Cambodian elections, of the first session of the International Committee on the Reconstruction of Cambodia, in accordance with the Tokyo Declaration on the Rehabilitation and Reconstruction of Cambodia] of 22 June 1992 [*S/24183, annex II*].

VII. ELECTORAL MATTERS

33. At the meeting of the Supreme National Council on 28 January 1993, Prince Norodom Sihanouk announced that he had decided not to advance his candidacy for presidential elections before or simultaneously with the Constituent Assembly elections. Instead, he wished to wait until the new Constitution had been adopted before holding the elections, so that the President could be elected in accordance with the modalities, the term of office and powers laid down in the Constitution.

34. As regards the elections for the Constituent Assembly, the members of the Supreme National Council agreed that they would be held from 23 to 25 May 1993. It is foreseen that, during this period, there will be voting at fixed polling stations. UNTAC anticipates, however, that two additional days of voting at mobile polling stations will be required in order to ensure that very registered voter has the chance to vote. It is therefore expected that polling will take place from 23 to 27 May.

35. As indicated in my third progress report, voter registration ended on 31 January 1993, except for the registration of those refugees and displaced persons who have not yet been able to return to Cambodia. Of the 360,000 refugees and displaced persons who were in the border camps, some 80,000 remain, of whom about half are eligible to vote. Special arrangements are being made to enable the latter to register. In addition, registration was extended in a limited number of locations in Cambodia for a few days, in order to accommodate villagers who had not had the chance to register.

36. The voter registration exercise was extremely successful, with a provisional total of 4,640,000 voters registered throughout Cambodia. In many cases the number of voters registered exceeded the estimated total calculated by the Advance Electoral Planning Unit in its nationwide survey conducted in the first half of 1992. This is the result partly of undercounting in the statistics on which the survey was based and partly of the influx of returnees. While it is possible that multiple registration by some applicants may have been a further factor, it has been made clear to the Cambodians that strict voting procedures will ensure that no one can vote more than once, irrespective of how many times he or she may have registered.

37. As explained in the third progress report, there is a time-lag in the recovery and input of registration information by the UNTAC electoral computer centre. By 1 February, some 4,029,000 registrants had been entered into the electoral component computers. Data-entry clerks are now entering about 250,000 registrants into the system each week, and it is anticipated that the finalized and verified voters' list will be produced by mid-April.

38. On 27 January, a total of 20 out of the 22 provisionally registered political parties had applied for official party registration in accordance with the electoral law. The official registration process involves the submission of the names and voter registration numbers of 5,000 registered voters who are members of the party concerned. The electoral component is now in the process of verifying those names and numbers. When verification is complete, the names of the parties that have successfully completed the registration procedure will be announced and those parties will be entitled to appear on the ballot paper. The Cambodian People's Party (SOC), FUNCINPEC and the Buddhist Liberal Democratic Party (Khmer People's National Liberation Front (KPNLF)), representing three of the four Cambodian parties which were signatories to the Paris agreements, have applied for official registration but, as noted above, PDK did not do so. The name of that party will therefore not appear on the ballot paper. The registered parties have been requested to name lists of candidates for each province.

39. Much thought has been given to the timing and duration of the political campaign. According to the implementation plan [*see S/23613*], the duration of the campaign was set tentatively at six weeks, beginning in early March. However, now that the date of the election has been set for late May, it is necessary either to extend the campaign or to start later. Divergent considerations bear on this question. The longer the campaign goes on, the greater the risk that it may be marred by

interparty violence. On the other hand, a short campaign may give an advantage to one party to the detriment of others. At the 10 February Supreme National Council meeting, therefore, UNTAC announced that it had decided that the campaign would begin on 7 April 1993 and last until 19 May 1993, when a four-day cooling-off period would take place before polling. UNTAC would make its information and broadcasting facilities available to all political parties in order to ensure fair access to the media.

VIII. POST-ELECTORAL SECURITY

40. In paragraph 19 of its resolution 792 (1992) the Security Council requested me to investigate and report upon the implications for security in post-election Cambodia of the possible incomplete implementation of the disarmament and demobilization provisions of the Paris agreements. It is obviously of the greatest importance that peaceful conditions should prevail during the three months which the Paris agreements give the Constituent Assembly to complete its tasks of drafting and adopting a new Cambodian Constitution and transforming itself into a legislative assembly, which will form a new Cambodian Government.

41. Under the Paris agreements it was envisaged that peaceful conditions during this period would be assured by the cantonment of all the forces of the parties, the demobilization of at least 70 per cent of them before the end of voter registration and the continuing cantonment of the remainder, pending their demobilization before or shortly after the elections or their incorporation into a new national army, as decided by the newly elected Government. Regrettably, the decision of PDK not to enter into phase II of the cease-fire will almost certainly make it impossible to apply the above-described arrangements. The elections seem likely to take place at a time when the two biggest armed forces of the parties will remain largely intact and the other two parties will also still have some of their forces in the field. Recent weeks have demonstrated the risk that this state of affairs can lead to major hostilities; evidently that risk could become greater after the elections.

42. Article V of annex 2 to the Agreement on a Comprehensive Political Settlement of the Cambodian Conflict provides that the ultimate disposition of any forces which have not been demobilized by the time the newly elected Government formed in accordance with article 12 of that Agreement takes office will be a matter for decision by that Government. The Agreement further provides that such forces should either be incorporated into a new national army or be demobilized forthwith according to a plan to be prepared by my Special Representative. It is to be assumed that the new Constitution will contain provisions for the formation of the new national army, as well as transitional provisions for disposing of non-demobilized forces in accordance with the Paris agreements, including the role foreseen therein for UNTAC.

43. As regards the interim period between the elections and the formation of the new Government, there are broadly two possibilities:

(*a*) All four Cambodian parties agree, belatedly, to implement the cantonment and demobilization procedures provided for in annex 2 to the Agreement;

(*b*) All four parties, to a greater or lesser extent, maintain their forces in the field, as at present, and UNTAC continues to use its best endeavours to ensure that the cease-fire is respected.

In either case, the maintenance of law and order would remain the responsibility of the civil police of the existing administrative structures, under the supervision and control of UNTAC.

44. Of these two possibilities, the first is clearly the preferable one. I shall continue to use my good offices, in consultation with the Co-Chairmen of the Paris Conference and other interested Member States, to make it possible. If those efforts fail, it will be necessary to maintain UNTAC's military and civilian police components in being, at a greater strength than previously foreseen, until the Constituent Assembly has completed its work and the new Government has been formed. I shall, in due course, present appropriate recommendations to the Security Council in this regard, on the basis of my Special Representative's assessment of the military and police personnel he would require for this purpose. The Security Council may also find it necessary, at a later stage, to consider whether the elected Government should, if it so wishes, continue to receive international support in maintaining internal security after the new Government is formed and, in accordance with the Paris agreements, the transitional period and UNTAC's mandate come to an end.

IX. OBSERVATIONS

45. Although the peace process continues to encounter serious problems, progress has been made in implementing resolution 792 (1992). Dates have been set for a Constituent Assembly election in May, and UNTAC is proceeding on schedule with electoral preparations in all areas of Cambodia to which it had access as at 31 January 1993; the Supreme National Council has resumed meetings in Phnom Penh under the chairmanship of His Royal Highness Prince Norodom Sihanouk; measures are being taken to prevent the supply of petroleum to PDK, since it has failed to comply with the military provisions of the Paris agreements; and UNTAC has strengthened its border control system and its monitoring of compliance with the provisions relating to the export of logs. In the last-mentioned matter, UNTAC has requested full cooperation from neighbouring States, and expects that such cooperation will be forthcoming so that this important decision of the Supreme National Council can be implemented.

46. However, the response of some of the Cambodian parties to resolution 792 (1992) has not been satisfactory. I must stress in this context that, as signatories to the Paris agreements, the Cambodian parties have the primary responsibility for their implementation and that the future stability and well-being of Cambodia depends on the Cambodians themselves. While the United Nations, acting principally through UNTAC, will continue to do everything in its power to assist them, the Cambodian parties cannot expect the international community to succeed where they themselves fail.

47. Prince Sihanouk, in issuing a declaration condemning all acts of violence against Cambodians or foreigners, including United Nations personnel, has set a lead for all Cambodian parties to follow. The Security Council may wish to issue a similar call, broadening the demand that was contained in paragraph 17 of its resolution 792 (1992). The Council may wish further to call on the three parties which aligned themselves with the declaration to continue their close cooperation with UNTAC and prevent or punish acts of violence, particularly when they are politically motivated.

48. SOC has offered substantial cooperation to UNTAC since the operation began, but in more recent months there have been serious difficulties relating to the maintenance of law and order in the areas under its control and the protection of the staff and offices of other political parties engaged in lawful political activity. CPAF has also launched military attacks against NADK, which go beyond its right to defend itself against hostile action by the latter. SOC should desist from any further offensive military action and redouble its efforts to prevent attacks and intimidation directed against other political parties.

49. As for PDK, by failing to admit UNTAC to its zones and to register for the elections within the relevant time-frames, that party has again failed to avail itself of the many opportunities offered to it by UNTAC and the international community to keep the door open for it to rejoin the

peace process. The United Nations position regarding the PDK's two main conditions for rejoining the peace process has been repeatedly stated in my previous reports and elsewhere. It goes without saying that UNTAC will continue to exert its best efforts to fulfil its mandate under the Paris agreements in all its aspects.

50. At the same time, I think it important to resist any pressure to exclude PDK representatives from the Supreme National Council. The framework of the Paris agreements, despite the damage done to it by the failure of some of the Cambodian signatories to meet their obligations in full, still offers, I am convinced, the best hope for a solution to the problems of Cambodia. This is particularly so with regard to the need to promote national reconciliation.

51. In my third progress report, I informed the members of the Security Council that, in view of Prince Sihanouk's intention to participate in the presidential election referred to in paragraph 3 of resolution 792 (1992), I had asked my Special Representative to proceed immediately with the necessary technical preparations. I also stated that I would submit to the Council, in the present report, further recommendations regarding the modalities for the organization and conduct of such an election. However on 28 January 1993, as indicated in section VII above, Prince Sihanouk informed the members of the Supreme National Council that he had decided that the presidential election should be held after the adoption of the new Cambodian Constitution by the Constituent Assembly. I informed the President of the Security Council of this development in a letter which I addressed to him on 1 February 1993 [*S/25273*].

52. I continue to believe that the holding of a presidential election, in conjunction with the Constituent Assembly elections scheduled to be held from 23 to 27 May 1993, could have enhanced the prospects for national reconciliation in Cambodia and provided a critical element of stability during the rest of the transitional period. However, I understand and respect the reasons that have led Prince Sihanouk to conclude that the holding of a presidential election should be deferred. The preparations undertaken by UNTAC in this regard have therefore been put on hold.

53. The imperative need for UNTAC now is to maintain the momentum towards the holding of Constituent Assembly elections starting on 23 May. To that end, UNTAC will redouble its efforts to improve the political environment and to prevent further cease-fire violations. I have also instructed my Special Representative to assess post-election security requirements and submit his recommendations to me. UNTAC will also continue to encourage and assist the Supreme National Council in its work on the constitutional principles so as to prepare a foundation for the new Government.

54. As the implementation of the Paris agreements, to which the international community has devoted so much effort and resources, approaches a crucial stage, it is ever more essential that all the Cambodian parties comply fully with their obligations under those agreements. Only thus will the Cambodian people be enabled to exercise the right to determine their own future and restore Cambodia to peace and stability.

ANNEX

[*Original: French*]

Statement by Norodom Sihanouk, Chief of State and President of the Supreme National Council of Cambodia

(*Beijing, 28 January 1993*)

At the conclusion of today's important working meeting of the Supreme National Council-UNTAC-representatives of the "permanent 5", I have the honour to make the following statement, both in my own name and on behalf of the Supreme National Council members belonging to KPNLF-BLDP [*Khmer People's National Liberation Front-Buddhist Liberal Democratic Party*], to FUNCINPEC [*Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif*], and to the Cambodian People's Party (SOC

I. We, the President of the Supreme National Council and members of the Council belonging to the three above-mentioned factions and parties, condemn all acts and all forms of violence (politically motivated assassinations, racist crimes, harassments, intimidation, threats, political terrorism, etc.) against Cambodians or foreign persons in Cambodia. And we ask all political parties, all armed or non-armed factions and everyone constantly to display self-restraint in their attitudes, their acts and their relations *vis-à-vis* or with others.

II. We condemn any act which threatens the dignity, fundamental freedoms, rights, security and personal safety of any member of UNTAC, whether civilian or military.

We ask all political parties and all armed or non-armed factions in Cambodia scrupulously to respect the life, safety and fundamental freedoms of all UNTAC civilian and military members, at all levels.

DOCUMENT S/25291

Letter dated 16 February 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[*Original: Spanish*]
[*16 February 1993*]

We have the honour to transmit to you the text of the statement on American steps to promote peace and a political settlement in former Yugoslavia, adopted by the European Community and its member States on 12 February 1993 at Copenhagen and Brussels.

We should be grateful if you would have the text of this letter and the statement circulated as a document of the Security Council.

(*Signed*) Juan A. YAÑEZ-BARNUEVO
Permanent Representative
of Spain
to the United Nations

(*Signed*) Jean-Bernard MERIMEE
Permanent Representative
of France
to the United Nations

(*Signed*) Sir David HANNAY, KCMG
Permanent Representative of
the United Kingdom of Great
Britain and Northern Ireland
to the United Nations

TEXT OF THE STATEMENT

[*Original: English/French*]

The European Community and its member States welcome the initiative by the United States of America towards a more active involvement in the international efforts to promote peace and a political settlement of the conflict in the former Yugoslavia supporting and building upon the negotiating efforts of the co-chairmen, as announced on 10 February by Secretary of State Warren Christopher. With its emphasis on a negotiated settlement to the conflict, it is in line with the policy pursued by the European Community and its member States since the conflict began.

The European Community and its member States further welcome the appointment of Ambassador Reginald Bartholomew as United States envoy to the peace negotiations, conducted under the aegis of the United Nations and the European Community and its member States. His close cooperation with the co-chairmen will contribute to the achievement of the common goal.

It is essential that continued full support for the efforts of the co-chairmen be maintained and that momentum in the negotiations be upheld. Discussions within the United Nations Security Council must be pursued and intensified. Pressure must continue to be brought on all parties to agree on the still unresolved questions concerning the future settlement in Bosnia and Herzegovina and other unresolved issues in the former Yugoslavia. The American initiative is an important contribution to these efforts.

The European Community and its member States look forward to close cooperation with the United States in the pursuit of a negotiated settlement and in its implementation, in which regional organizations will have an important role.

DOCUMENT S/25293[*]

Letter dated 16 February 1993 from the representative of Turkey to the Secretary-General

[*Original: English*]
[*16 February 1993*]

I have the honour to enclose herewith the text of a statement made by the Turkish Ministry of Foreign Affairs on 12 February 1993 concerning the recent initiative of the United States of America on Bosnia and Herzegovina.

I would be grateful if the text of this letter and the statement could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Tahsin BURCUOGLU
Chargé d'affaires a.i.
of the Permanent Mission of
Turkey to the United Nations

TEXT OF THE STATEMENT

We welcome the decision of the new Administration of the United States of America to become actively engaged to bring about an immediate end to the ongoing crisis and conflict in the former Yugoslavia.

In his statement on this subject, the United States Secretary of State correctly identified the causes of the crisis and the elements of the present situation. We share the views of the United States Administration that a solution cannot be imposed upon the parties in Bosnia and Herzegovina and that efforts must be made to enable the parties to agree to a solution by their own free will. We sincerely hope that the steps and measures envisaged by the United States Administration will succeed in bringing about a just and lasting solution, fully safeguarding the rights and the existence of the people and the Republic of Bosnia and Herzegovina.

Up to now, the plans seeking a comprehensive settlement have proved inadequate and the efforts to this end have remained fruitless. The main reason for the inability of the international community to restore peace in Bosnia and Herzegovina has been the rejection of a limited military intervention as an option to stop Serbian aggression. At this stage, it is obviously desirable that the political measures envisaged by the United States in bringing about peace will render the eventual use of force unnecessary. Turkey is prepared to give full support to the positive and determined approach of the United States to end the carnage in Bosnia and Herzegovina and alleviate the suffering of its people.

DOCUMENT S/25294[**]

Letter dated 16 February 1993 from the observer of Palestine to the Secretary-General

[*Original: English*]
[*16 February 1993*]

I am instructed by the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your attention.

Some media organizations have misinterpreted the proceedings of the Security Council and the comments made by the President of the Council to the media on Friday, 12 February 1993, following the informal consultations of the Council on the issue of Israel's deportation of more than 400 Palestinian civilians. Furthermore, several Israeli officials misrepresented those comments in an attempt to show that there had been a change in the position of the Council or a departure from the terms of resolution 799 (1992). However, to our knowledge, as the party concerned with the issue, there is no Security Council document or anything on the records of the Council that would indicate any formal action taken by the Council on Friday, 12 February 1993, or on any other date since the adoption of resolution 799 (1992). We trust that all members of the Security Council stand by their unanimous vote for resolution 799 (1992), and that they remain faithful to their duties under the Charter of the United Nations and to the principles of international law.

The proceedings of Friday, 12 February 1993, and the escalating campaign of terror and repression by Israel, the occupying Power, against the Palestinian people in the occupied Palestinian territory, including Jerusalem, the last example of which was the destruction of 22 homes in Khan Yunis on 11 February 1993, both require speedy action by the Council. We reiterate our positions, as stated in our letter to you on 11 February 1993 [*S/25282*], and once more urge the Security Council to consider urgently the report presented to the Council by you [*S/25149*], in accordance with Council resolution 799 (1992), with the aim of adopting specific measures to guarantee respect of the decisions of the Council and of putting an end to the agony and suffering of the Palestinian people.

I should be grateful if you could arrange to have the present letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Nasser AL-KIDWA
Permanent Observer of
Palestine to the United Nations

DOCUMENT S/25298

Letter dated 15 February 1993 from the representative of Iraq to the Secretary-General

[*Original: Arabic*]
[*17 February 1993*]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 13 February 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, conveying Iraq's protest and objection to working procedures in the

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[*] Circulated under the double symbol A/47/889-S/25293.

[**] Circulated under the double symbol A/47/890-S/25294.

Sanctions Committee, as revealed at its meeting held on 28 January 1993.

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

LETTER DATED 13 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE SECRETARY-GENERAL

Once again I find myself obliged to register Iraq's protest and objection to working procedures in the Sanctions Committee. The Committee's 86th meeting, held on 28 January 1993, revealed a transparent insistence on continuing to inflict damage on the Iraqi people and deprive it of the most elementary requirements for its daily life and subsistence.

In my previous letters, most recently that of 31 December 1992, I stated that the functioning of the Committee was being hampered by the fact that most of the requests submitted to it were rejected by the representatives of the United States and the United Kingdom although such requests were made in connection with the basic requirements of daily life for the Iraqi people. The instances I cite below are flagrant examples of the attitudes taken by the United States and the United Kingdom in rejecting such requests. They are as follows:

(*a*) A request to supply 39 sewing-machine needles, submitted by the Jordanian Mohammed Mouhtaseb Company;

(*b*) A request to supply textiles for the manufacture of children's and women's clothing, submitted by the Jordanian Beesan Textile Company and the Dulon Factory;

(*c*) A request to supply textiles used to make the women's *aba'ah* garment, submitted by the Jordanian Sara Company;

(*d*) A request to supply wooden sheets for use in schools and hospitals, submitted by Al-Kamal Industries;

(*e*) A request to supply electrical materials, submitted by the Atlas company.

Despite protest by the representatives of Brazil, Cape Verde, China, Djibouti, Morocco, New Zealand and Spain and their interventions with regard to these requests, the representatives of the United States and the United Kingdom insisted on their position although similar requests had been approved at past meetings, such as that relating to children's and women's clothing. The positions adopted by the United States and the United Kingdom have been based on flimsy arguments and claims that such requests contribute to building up Iraqi industrial capacity.

Regrettably, the representative of Japan associated himself with these attitudes when he joined the representatives of the United States and the United Kingdom in objecting to the request submitted by Turkish companies to supply Iraq with 10,000 kitchen fans.

We should like to state that, in its decisions, the Sanctions Committee has also failed to adhere to the letter and spirit of the Security Council resolutions relating to Iraq. Proof of that is that paragraph 20 of Security Council resolution 687 (1991) permits the supply to Iraq of materials and supplies for essential civilian needs as identified in the report of the Secretary-General dated 20 March 1991 [*S/22366*]. Paragraph 35 of that report, which concerns energy, indicates the need for units and spare parts to enable Iraq to meet its own humanitarian needs as soon as possible.

The Iraqi people has stated its desire to turn over a new page in dealings with the new United States Administration, and the highest leadership in Iraq has given that desire expression. We therefore hope that that Administration will respond to the efforts being made by my country and that this will reflect positively on the meetings of the Sanctions Committee and of the other Security Council committees. Maintenance of the approach adopted by the previous United States Administration will not serve the purposes and principles of the Charter of the United Nations.

I request you to have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of Iraq

DOCUMENT S/25301

Letter dated 16 February 1993 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*17 February 1993*]

The Government of Croatia was very pleased with your letter dated 9 February 1993 [*S/25274*], and with the enclosed report of a preliminary site exploration of a mass grave near Vukovar. We hail the devoted and profound work of the Commission of Experts with a view to collecting and inspecting all the evidence of grave breaches of the Geneva Conventions of 12 August 1949[11] and other violations of humanitarian law committed on the territory of Croatia, as well as on the territory of Bosnia and Herzegovina and elsewhere in the Balkans. It is our firm opinion that establishment of an international criminal tribunal to pass judgement upon all war criminals, and to judge all war crimes committed during the Serbian aggression against Croatia and Bosnia and Herzegovina, is an essential precondition for ending the crisis in the area and implanting the post-war confidence-building measures. Therefore, the Croatian Government will continue to give all its support to the work of the Commission of Experts and is looking forward to cooperating fully with United Nations efforts in precise implementation of Security Council resolutions 771 (1992) and 780 (1992).

Unfortunately, in welcoming the work of the Commission of Experts, Croatia must emphasize strong discontent with the fact that, in the report of a preliminary site exploration [*ibid., annex II*], the town of Vukovar and surrounding area are considered to be in the "former Yugoslavia". Vukovar is, and can only be on the territory of the Republic of Croatia, a sovereign State Member of the United Nations.

The mass graves around Vukovar are filled with remains of Croatian soldiers and innocent civilians who boldly died for their country, the Republic of Croatia. For the sake of their memory, and everything they valiantly stood for, Croatia cannot allow that the soil they rest in be called "former Yugoslavia".

I would be grateful if you could provide for the distribution of this letter as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

DOCUMENT S/25303

Letter dated 17 February 1993 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*17 February 1993*]

Enclosed please find a letter from the President of the Serbian National Party of Croatia, Mr. Milan Djukic, addressed to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. The letter points out some valuable elements that would, in the opinion of the Serbian National Party of Croatia, provide for full reintegration of the Serbian national body that lives on the territory of Croatia into the political, parliamentary and civil structure of the Republic of Croatia.

The Serbian National Party of Croatia is a legitimate political organization that gathers and represents mostly Serbs - citizens of the Republic of Croatia. As a parliamentary party, it strives towards a peaceful settlement of the crisis, and uses its good will in appealing to all the Serbs that accept Croatia as their common homeland that they share with Croats and other nationalities that live in Croatia. The Party and its President enjoy respect among other parliamentary parties, and among the Croatian people.

I believe that the letter deserves your attention.

I would be grateful if you could provide for the distribution of this letter and the attachment as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

TEXT OF THE LETTER

In their letter of 26 November 1992 the representatives of the Serbian National Party, the significant political and parliamentary representative of the ethnic and national Serbian community in the Republic of Croatia, came to you (as well as to Mr. Boutros Boutros-Ghali) with an appeal and explanation of some significant elements of the crisis in the former Yugoslavia. In addition, we also sent you the proposed project "Permanent Peace by Legal and Democratic Means" of 6 October 1992. Moreover, on 4 December 1992 we presented specific problems in our appeal "For Man and the Future".

In these documents the Serbian National Party endorses a number of democratic and, first and foremost, peaceful solutions to the crisis in the former Yugoslavia, and especially to the crisis in the Republic of Croatia caused by the war.

Faced with the absolute necessity and need for the restoration of the constitutional and legal system of the Republic of Croatia throughout her internationally recognized territory, we will resolutely persist in our peace-oriented policy based on democratic principles and viewpoints, and endeavour to prevent the possible escalation of new conflicts in the Republic of Croatia.

This is the reason why we would like to explain, highly appreciating your extremely significant international and peace-keeping role, the importance and the thinking of citizens of Serbian nationality who, in political and parliamentary terms, represent those Serbs in the Republic of Croatia whose fundamental credo and actions follow the spirit of the words of the scientist Nikola Tesla: "I am proud of my Serbian origin and of my Croatian homeland". We would also like to inform you that we have suggested, in our letter sent to Mr. Boutros Boutros-Ghali on 4 February, that our political and parliamentary status be taken account of, and we have made the following proposals:

1. The establishment of international control along the borders of the Republic of Croatia by deploying UNPROFOR [*United Nations Protection Force*] units.

2. The decision, by the United Nations Security Council, to extend the mandate of United Nations forces and provide for additional efficiency in its implementation.

3. In the areas of the Republic of Croatia currently not covered by the constitutional and legal system of the Republic, elections should be held as soon as possible for local self-government in accordance with the laws of the Republic of Croatia, and under the control of Croatian and international institutions.

4. One should insist on the implementation of the Constitutional Law of the Republic of Croatia on Human Rights and Liberties, and Rights of Ethnic and National Communities or Minorities, under international control. Analogously, the same principle of democratic control should be applied with respect to the implementation of the same rights in other states of the former Yugoslavia, in line with current civilized and democratic solutions.

5. The major and most important transport and traffic (rail, road) routes throughout the Republic of Croatia should be restored through UNPROFOR involvement.

6. The full sovereignty and integrity of the Republic of Croatia should be resolved without postponement and urgently by the formation and activation of a special negotiating body consisting of representatives of the United Nations, the European Community, the Parliament and Government of the Republic of Croatia, and the representatives of the insurgent Serbs in the so-called "Krajina". As the venue for the activity of such a body we have suggested the City of Zagreb and, subsequently, Knin as well.

In addition to the foregoing, considering the seriousness of the issues involved and in order to stress how important it is to appreciate the political status of the Serbs in the Republic of Croatia, we would like to present certain undeniable facts, as follows:

1. The Serbian National Party has taken part, on two occasions (August 1992 and February 1993), in the elections for the Parliament of the Republic of Croatia with national lists of its candidates. We have three representatives in Parliament.

Accordingly, as a part of the politically organized Serbs and, at the same time, members of the Serbian community in the Republic of Croatia, we have not boycotted the elections, and we have entered the Parliament of the Republic of Croatia in a legitimate and lawful way. Indeed, the final results confirmed both the legitimacy and the serious political status of the Serbian National Party as the representative of the political thinking and will of a considerable share of citizens of Serbian nationality in urban communities, and in areas where the constitutional and legal system of the Republic of Croatia is fully present.

2. At the February 1993 elections the Serbian National Party won both an absolute and a relative majority of total possible cast votes by citizens-voters of Serbian nationality. Therefore, the voters have shown their preference for the political option of the Serbian National Party, thereby showing their trust, and confirming the lawfulness of the elections and the parliamentary representatives in the lists as the legitimate representatives of the Serbian ethnic and national community or minority in the Republic of Croatia.

3. The foregoing has accurately proved that only the Serbian National Party has articulated its policy in national and civic terms with respect to its electorate, and particularly with respect to those Serbs who fully recognize the constitutional and legal system of the Republic of Croatia, and strive to achieve their civic status by political methods and measures.

4. There is no doubt that so-called "authorities" of the Krajina represent a political option imposed by military force which holds the majority of the population, who are ready to cooperate and favour a peaceful solution of the current crisis and of war in general, as political hostages by coercion and the force of arms. We have abundant testimony of such a situation, part of which has also come to your knowledge. Therefore, Mr. Hadzic and other "authorities" do not represent the legitimate political option; rather, it is the result of military coercion aimed even against one's own people.

5. According to the 1991 census, the population of the so-called "Krajina" totalled 146,000, which accounts for only 26.84 per cent of the total number of Serbs in the Republic of Croatia. All the other citizens of Serbian nationality lived in urban communities. Thus, for instance, the number of citizens of Serbian nationality in the entire Knin Krajina was less than the number, according to the same census, of citizens of Serbian nationality in Zagreb (58,000) and some other communities (Osijek 35,000; Rijeka 22,000; etc.).

6. It is true that there has been some migration of Serbs to the "Krajinas". However, it is due entirely to the political crisis, and to the late articulation of the political will of the Serbs in the Republic of Croatia.

7. The fact that the Serbian National Party has attained, at the February 1993 elections, an enviable result, with an increase in voter response of more than 100 per cent as compared to the turnout only five months earlier, shows that the Serbs accept the peace-oriented policy of our Party. More precisely, the Serbs in urban communities articulate their political choice only through and by the parliamentary representatives of the Serbian National Party.

Taking due account of the foregoing, let us stress that the political status of the Serbs in the Republic of Croatia cannot be resolved only in terms of the "Krajina" issue.

With this letter we would like to inform you that Mr. Goran Hadzic cannot represent the political will of the Serbs in the areas in which he is operating (his is a military option of "representation"). He can confirm his legitimacy only by democratically held elections in accordance with the laws of the integral, indivisible, sovereign and internationally recognized Republic of Croatia. We, the Serbian National Party, have such legitimacy, and we have confirmed it on two occasions by taking part in the elections.

Even in the extreme instance, in his present position of "negotiator", Mr. Goran Hadzic represents no more than one third of the Serbs in the Republic of Croatia. Because of this fact, the possible recognition of such a position and role of Goran Hadzic will substantially contribute to the disintegration of the Serbian ethnic community in the Republic of Croatia, in which you could also indirectly become involved.

In the hope and faith that you will appreciate all the objective facts, and the evidence which we may additionally provide as required, we insist that the representatives of the Serbian National Party, who have confirmed their legitimacy before the Serbian people, also be included in the negotiations on the political status of the Serbs in the Republic of Croatia, and in the provision of conditions for permanent peace. The Serbian people have shown their trust in our Party by voting for and electing our candidates for members of the Parliament of the Republic of Croatia.

Milan DJUKIC
President of the Serbian
National Party of Croatia

DOCUMENT S/25304

Letter dated 17 February 1993 from the representative of Denmark to the Secretary-General

[*Original: English*]
[*17 February 1993*]

I have the honour to transmit herewith the text of a statement on the situation in Angola issued by the European Community and its member States on 17 February 1993.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

(*Signed*) Bent HAAKONSEN
Permanent Representative
of Denmark
to the United Nations

TEXT OF THE STATEMENT

[*Original: English/French*]

The European Community and its member States support fully the declaration by the observers to the Bicesse Accords concerning a deadline of 17 February 1993 for UNITA [*National Union for the Total Independence of Angola*] to decide on the setting of a date for a meeting in Addis Ababa between the subscribers to the Peace Accords for Angola. They align themselves with the appeal for truce in Huambo issued by the Special Representative of the United Nations Secretary-General.

They appeal strongly to the Government of Angola and UNITA to bring an immediate end to the fighting so that humanitarian aid can be provided to the wounded and suffering civilians, particularly in Huambo, where fighting has taken place for more than a month.

The Community and its member States reiterate their appeal, in particular to UNITA, to abide by the results of the elections, observe the peace accords and resume the demobilization process. Likewise, they repeat their appeal to the countries in the region to refrain from any act that could contribute to an internationalization of the present conflict.

DOCUMENT S/25305

Letter dated 13 February 1993 from the representative of Iraq to the President of the Security Council

[*Original: Arabic*]
[*18 February 1993*]

On instructions from my Government, I should like to transmit herewith a letter dated 12 February 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning decision No. 16 of the Governing Council of the United Nations Compensation Commission [*S/AC.26/1992/16*].

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council and also brought to the attention of the representatives of the States members of the Security Council.

(*Signed*) Adnan MALIK
Chargé d'affaires a.i.
of the Permanent Mission of
Iraq to the United Nations

LETTER DATED 12 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to set forth Iraq's position on an important and serious question relating to decision No. 16 [*S/AC.26/1992/16*] taken by the Governing Council of the United Nations Compensation Commission at its eighth session, held at Geneva from 14 to 18 December 1992, and relating to the imposition of interest on compensation.

I wish, first of all, to cite the text of paragraph 16 of Security Council resolution 687 (1991), which defines the liability of Iraq for the payment of compensation as follows: "Iraq ... is liable under international law for any direct loss, damage - including environmental damage ..."

This provision means that Iraq's liability for the payment of compensation is a liability limited by the explicit text of the above-mentioned paragraph and by the legal definition of Iraq's liability for compensation set forth therein.

Article 31 of decision No. 10 [*S/AC.26/1992/10*] taken by the Governing Council of the United Nations Compensation Commission on 26 June 1992 affirms that fact when it states that Commissioners shall take into account paragraph 16 of Security Council resolution 687 (1991) when considering claims for compensation, as is clear from the text below, inasmuch as the text states:

> "In considering the claims, Commissioners will apply Security Council resolution 687 (1991) and other relevant Security Council resolutions ..."

Security Council resolutions 687 (1991) and 692 (1991) and the report of the Secretary-General of the United Nations contained in document S/22559 and dated 2 May 1991 are quite explicit in defining Iraq's liability for compensation determined within the framework of a specific proportion to be deducted from Iraq's petroleum revenues under the relevant Security Council resolutions, a proportion not to be exceeded in any circumstances according to the relevant resolution. In addition, the limited character of the compensation is also narrowed down as relating to direct damage only. This means that the resolution rules out all other kinds of damage that fall within the category of indirect damage, including interest, which does not, in any event, constitute direct damage.

The duties and functions of the United Nations Compensation Commission were again clearly and carefully described in the report of the Secretary-General of the United Nations, paragraph 20 of which reads as follows:

> "... The Commission is not a court or an arbitral tribunal before which the parties appear; it is a political organ that performs an essentially fact-finding function of examining claims, verifying their validity, evaluating losses, assessing payments and resolving disputed claims ..."

This means that the functions of the United Nations Compensation Commission through its "principal organ", namely, the Governing Council, are defined as follows:

1. Fact-finding in the examination of claims;

2. Verification of the validity of claims;

3. Evaluation of losses (as stipulated in the Security Council resolution, i.e., direct losses);

4. Assessment of payments;

5. Resolution of disputed claims;

6. Determination of the level of contribution to the Fund.

Consequently, the Governing Council is restricted to these functions, which are defined in Security Council resolution 692 (1991), which endorses the report of the Secretary-General of the United Nations under consideration.

This means that the Governing Council of the Compensation Fund, as an executive organ having its functions defined as above, has no right or power to add any new financial liability to those imposed on Iraq so that that liability exceeds direct damage or loss.

The omission of any mention of the question of interest in Security Council resolution 687 (1991) was deliberate, and the legal liability of Iraq was defined in a way that rules out any grounds for broadening its interpretation so as to give rise to additional liability for Iraq that is not specified in Security Council resolutions. The Security Council, through the numerous resolutions that it adopted on the Gulf crisis, made no reference to the question of interest, in spite of its importance and the very great sums entailed. This is confirmed by the Secretary-General of the United Nations reference in paragraph 28 of his above-mentioned report:

> "It is to be anticipated that the value of claims approved by the Commission will at any given time far exceed the resources of the Fund. It will, therefore, be incumbent upon the Commission to decide on an allocation of funds and a procedure for the payment of claims. It is recommended that the Governing Council establish criteria for

the allocation of funds, taking into account the size of claims, the scope of the losses sustained by the country concerned and any other relevant factors. In this connection, it might be necessary to distinguish between Kuwait, on the one hand, and other countries on the other hand. As far as the payment of claims is concerned, it follows from the consolidation of the claims and their filing by individual Governments that payments will be made exclusively to Governments. Individual Governments will be responsible for the appropriate distribution to individual claimants. The Governing Council should establish further guidelines regarding the payment of claims, for example, whether claims should be paid in full or whether percentages should be paid. In the latter case, the unsatisfied portions of the claims will remain as outstanding obligations."

It is apparent from this paragraph that, whatever the financial input into the Fund, it will not be sufficient for all the compensation in view of the overwhelming number of claims and that the rules of justice and fairness dictate following a regime of limited compensation to meet most, if not all, of the claims. The conclusion arrived at by the Secretary-General of the United Nations to the effect that the unsatisfied portions of the claims should remain as outstanding obligations was approved by Security Council resolution 692 (1991). This conclusion settles the question of interest by ruling it out, and, consequently, any course that conflicts with the provisions of the pertinent Security Council resolutions and reports constitutes a violation of these provisions.

We should also like to point out that the Security Council, when referring in paragraph 19 of resolution 687 (1991) to determination of the appropriate level of Iraq's contribution to the Fund based on a percentage of the value of the exports of petroleum and petroleum products from Iraq, requested the Secretary-General of the United Nations to suggest a figure "taking into account the requirements of the people of Iraq, Iraq's payment capacity ... taking into consideration external debt service, and the needs of the Iraqi economy ..."

In paragraph 13 of his report, the Secretary-General of the United Nations requested the Governing Council of the Fund, when carrying out the task of determining the appropriate level of Iraq's contribution to the Fund in accordance with the criteria laid down in paragraph 19 of Security Council resolution 687 (1991) to "consider the probable levels of future oil export revenues of Iraq ... and the needs for reconstruction and development in the country". It thus emerges from the above provisions that the principle that must be followed in such a case is a regime of limited compensation such as has been adopted by the international community in numerous international agreements and treaties. For example, the treaty concluded on 28 November 1950 between Italy and France set the compensation to be paid by Italy to France at a fixed amount of 357 million francs, while the actual damage had been estimated in 1948 at 400 billion francs. We may also mention the peace treaties concluded between Japan, on the one hand, and, on the other hand, Burma in 1954, the Philippines in 1956, Indonesia in 1958 and Viet Nam in 1959, which specified fixed amounts with a ceiling to cover compensation for damage that had occurred. Contemporary instances of the adoption of a limited compensation regime include the 1952 Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, as well as the amended Warsaw Convention of 1929 and many other such agreements. None of them contain a provision for interest. Of course, the State on which payment of compensation was imposed under the above-mentioned treaties were parties to the negotiations that led up to them. Iraq has been deprived of this right.

There is also another set of considerations that point quite clearly to the necessity of not imposing the requirement of interest on compensation, including the following:

1. The amount of compensation is a lump sum, and interest or other charges cannot be imposed on it.

2. The damage is not quantitatively determined. This means that the compensation is removed from the sphere of interest claims.

3. The condition of payment of an amount of compensation that is not yet due also rules out the computation of interest on such compensation, because interest can be computed only on a monetary debt on which payment is due and whose amount is known, as we have explained.

4. The timing of the payment of compensation is by schedules to be prepared by the Commission. Consequently, it cannot be said that there are arrears of payment that necessitate the imposition of interest on such arrears, because interest is not imposed unless there is a delay occasioned by the debtor, whereas Iraq has not occasioned any delay in the payment of the compensation. The delay was caused by the payment schedule.

5. One of the definite rules of international law is that interest cannot be imposed on compensation, because interest is itself compensation, and there cannot be compensation assessed on compensation.

6. The imposition of interest on the amount of compensation would increase it to a point beyond reason, which is incompatible with the norms of justice and fairness and would lead to arbitrariness and prejudice to the needs of the people of Iraq and its right to life and development. That would be in conflict with Security Council resolutions and the considerations set forth in paragraph 19 of resolution 687 (1991), which states that Iraq's payment capacity must be taken into consideration in the determination of the proportion of Iraq's contribution to the financing of the Fund.

7. Inasmuch as the amounts of compensation were not determined as a result of negotiation or as a result of a ruling of a court or arbitral tribunal but determined by the Compensation Commission, which is a "political organ", the decision to impose interest on the amount of compensation is a matter that lies outside the mandate of the Commission.

It is clear from the above and from a reference to paragraphs 16 and 17 of Security Council resolution 687 (1991) and the report of the Secretary-General of the United Nations approved by Security Council resolution 692 (1991) that the condition of interest is not mentioned and that there is no intention to impose it on the compensation. If there had been any such intention or any probability thereof, we should have found some reference, however rudimentary, to this in the Security Council resolutions adopted on the matter. The adoption by the Governing Council of the Compensation Fund of a decision to impose interest on compensation is a measure that conflicts with the provisions of the Security Council resolution and, at the same time, with legal principles and the trend followed in the peace treaties following the Second World War. It also conflicts fundamentally with the principles of justice and fairness. On this basis, the Government of the Republic of Iraq calls upon the Security Council to take the necessary steps to abrogate this decision and reaffirm compliance with the Council resolutions adopted in this matter, without any overextension in the area of compensation provisions such as would render implementation impossible and beyond the scope of the resolutions adopted on the subject.

(*Signed*) Mohammed Said AL-SAHAF
Minister for Foreign Affairs of
Iraq

DOCUMENT S/25307

Letter dated 18 February 1993 from the representative of Sweden to the Secretary-General

[*Original: English*]
[*18 February 1993*]

I have the honour, on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE), to forward the decision by the CSCE participating States meeting today in Vienna on the proposal for an International War Crimes Tribunal for the Former Yugoslavia by the Rapporteurs under the CSCE Moscow Human Dimension Mechanism to Bosnia and Herzegovina and Croatia.

I would like to refer to the decisions of the third meeting of the Council of Ministers of CSCE, held in Stockholm in December 1992, in particular the determination of the CSCE Ministers for Foreign Affairs to see to it that those responsible for the massive and systematic violations of human rights and international humanitarian law in the territory of Bosnia and Herzegovina and other parts of the former Yugoslavia are brought to justice.

I would also like to emphasize the importance of rapid progress in this field and the determination of the CSCE participating States to encourage an acceleration in the work of the United Nations.

The CSCE participating States have not yet considered the contents of the proposal of the Rapporteurs. However, they consider it to be an important contribution to the ongoing work within the United Nations.

I enclose a copy of today's decision of the CSCE participating States in Vienna as well as a summary of the proposal and the table of contents and ask you to circulate them as a document of the Security Council.[*]

(*Signed*) Peter OSVALD
Permanent Representative
of Sweden to the United Nations

DOCUMENT S/25308[**]

Letter dated 18 February 1993 from the representative of Lebanon to the Secretary-General

[*Original: Arabic*]
[*18 February 1993*]

On instructions from my Government, I have the honour to inform you of a series of aggressive acts perpetrated by Israel in southern Lebanon and in the western Bekaa on 17 February 1993.

At dawn, Israeli artillery units stationed at Tallat al-Ahmadiyah, Tumat Niha and Marj Uyun began to shell the villages of Mashgharah and Ayn at-Tinah. The artillery fire hit dozens of dwellings and killed dozens of head of livestock.

Supported by field artillery units, armoured units and helicopter units that used incendiary bombs and Milan rockets, the Israeli forces launched a series of lethal attacks against dozens of villages situated in the regions of Nabatiyah and Iqlim al-Tuffah. The shelling resulted in dead and wounded and caused considerable material damage.

The town of Nabatiyah was subjected to heavy shelling that killed 2 civilians and wounded 40 others.

During the entire day of 17 February, Lebanese army posts situated at Kafr Hawra, Jarjus and Kafr Tibnit were the target of sporadic Israeli shelling.

While condemning and denouncing this large-scale aggression that resulted in many dead and wounded among the Lebanese civilian population and caused considerable material damage, the Lebanese Government urges the members of the Council, and in particular its five permanent members, to adopt, in the light of the policy that Israel is conducting against Lebanon and its inhabitants, a firm attitude that could halt Israel's bloody acts of aggression and end its occupation of southern Lebanon in accordance with Council resolution 425 (1978).

Such a step would enable the Security Council to maintain its credibility and continue its role in the area of international peace-keeping and security, strengthen and promote the arduous peace process that is currently under way and thereby contribute to the establishment of a just, comprehensive and lasting peace in the region.

I should be grateful if you would have this letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Khalil MAKKAWI
Permanent Representative
of Lebanon to the United Nations

DOCUMENT S/25309[***]

Letter dated 18 February 1993 from the observer of Palestine to the Secretary-General

[*Original: English*]
[*18 February 1993*]

I am instructed by the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your attention.

The Israeli authorities continue to exercise their policies of extreme repression against the Palestinian people living in the occupied Palestinian territory, including Jerusalem. During the past 24 hours, four Palestinian youths in Gaza and the West Bank were killed by the Israeli Army. The youths killed were Khalid Mustafa Abu Alkomsan, aged 25, from Gaza; Ghassan Abdel Hadi Barghouti, aged 14, from Rammallah;

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[*] The documents mentioned are not reproduced in the present *Supplement*; they may be consulted in the files of the Secretariat

[**] Circulated under the double symbol A/47/891-S/25308.

[***] Circulated under the double symbol A/47/892-S/25309.

Salim Abdellatif Al-Jazzar, aged 18, from Askar refugee camp, Nablus; and Jaafar Mohammad Salim Ashrawi, aged 17, from Tulkarem.

We reiterate our position that the Security Council, in fulfilment of its responsibilities under the Charter of the United Nations, must undertake prompt action to bring a halt to such unrelenting repression against the Palestinian people living under Israel's occupation and to provide protection for them, in accordance with Council resolution 681 (1990).

I should be grateful if you would arrange to have this letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

DOCUMENT S/25311[*]

Letter dated 18 February 1993 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the Secretary-General

[*Original: English*]
[*19 February 1993*]

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to draw your urgent attention to the current escalation of repression and use of collective punishment by the Israeli authorities against the Palestinian people in the occupied Palestinian territory.

The situation in the Gaza Strip, in particular, is a matter of greatest concern owing to the increasing resort to warfare tactics by Israel, the occupying Power. According to a press release by The Gaza Center for Rights and Law of 13 February 1993, and *The Washington Post* of 16 February 1993, a force of over 200 Israeli soldiers carried out a 13-hour military operation in the al-Arisha quarter of Khan Yunis, Gaza, on 11 February 1993, in search of fugitives and weapons. Large-calibre machine-guns, anti-tank missiles, dynamite and 40 mm shells were reportedly used in the attack, which destroyed 10 houses and heavily damaged 9 others. Almost 200 Palestinians were affected, and 18 families were rendered homeless. It should be pointed out that the homes were attacked after being searched, showing that the destruction did not serve any military purpose. While this is reported to be the largest attack of its type to date, there has been a dramatic escalation of military assaults in recent months, resulting in severe damage to the homes of 62 families since July 1992.

Recent information collected by human rights organizations also shows growing reliance on excessive force by Israeli troops against Palestinians, resulting in a rapid increase in fatalities in the past six months. According to an analysis conducted by B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, the overall number of Palestinians killed by Israeli forces rose from 63 to 76 between August 1992 and January 1993, a rise of more than 20 per cent over the previous six months. Two thirds of the killings were reported to have occurred in non-life-threatening situations, as opposed to one half during the previous period; and fatalities among children were reported to have almost tripled, from 6 to 17. According to *Middle East International* of 5 February 1993, many of the children were either shot in the back or were the victims of carelessness by the army in situations which could have been handled by non-lethal means. In a recent incident, reported by *The Christian Science Monitor* of 10 February 1993, nine Palestinians were killed by Israeli troops in four days, the most violent days in more than two years.

The Palestine Human Rights Information Center, based in Jerusalem, in a press release dated 22 January 1993, reported that at least 60 fatal shootings in 1992 were carried out by Israeli undercover soldiers and should be classified as extrajudicial killings. According to eyewitness accounts, these killings typically take place without warning; victims are denied the opportunity to surrender; victims are shot even when unarmed or with hands in a position of surrender; victims are shot or beaten until dead even though they have been captured or wounded.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like once again to express alarm at the increasing repressive measures by Israel, the occupying Power, in violation of its obligations under the fourth Geneva Convention of 1949[1] and numerous Security Council resolutions. The Committee urgently appeals to the Security Council to take the necessary measures to provide appropriate protection to the Palestinian people in the occupied Palestinian territory, including Jerusalem, in accordance with the provisions of the Convention and Security Council resolutions, particularly resolution 681 (1990), until a permanent, durable and just solution is found to the question of Palestine based on relevant United Nations resolutions.

The Committee also notes with great concern that the situation of the nearly 400 Palestinian deportees remains unresolved and that they continue to suffer harsh conditions in southern Lebanon. The Committee calls once again for the full and immediate implementation of Security Council resolution 799 (1992). This would help to ensure the continuation of the peace process, preserve the prestige and credibility of the Security Council, and guarantee respect for international law and agreements by all, without exception.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Kéba Birane CISSE
Chairman of the
Committee on the Exercise
of the Inalienable Rights
of the Palestinian People

DOCUMENT S/25313

Letter dated 28 January 1993[**] from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*19 February 1993*]

I have the honour to transmit herewith a letter dated 28 January 1993 from Mr. Ilija Djukic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you, concerning extremely dangerous developments in the wake of the continued aggression by

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[*] Circulated under the double symbol A/47/893-S/25311.

[**] Received by the Secretariat on 18 February 1993

Croatia in the area of the "Peruca" power station under United Nations protection.

I should be grateful if you would circulate the present letter and the attachment as a document of the Security Council.

I would request you immediately to inform other members of the Security Council of the contents of this letter.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 28 JANUARY 1993 FROM THE MINISTER FOR AFFAIRS OF YUGOSLAVIA TO THE PRESIDENT OF THE SECURITY COUNCIL

I have to inform you as a matter of urgency of the extremely dangerous developments resulting from the continued aggression of Croatia in the area of the "Peruca" power station, which is under United Nations protection.

In defiance of Security Council resolution 802 (1993), the armed forces of Croatia carried out an armed attack today, 28 January 1993, at 10.15 a.m. local time, against the United Nations Protection Force and the Serbian police forces near the Peruca Dam.

The armed forces of Croatia taking part in the attack consist of two battalions, a special demolition unit, as well as heavy weapons used in the attack. Their goal is to destroy the Peruca Dam and cause an ecological disaster. This is being done with the intention to attribute to the Serb side the responsibility for the destruction of the dam and the consequences of this senseless act. Prior to the commencement of this attack, the Croatian side evacuated all the Croatian population from the Peruca Dam area, which points out unequivocally to the goal of these armed activities.

All these data have been verified and corroborated by witnesses captured during the said armed operation, and confirmed by the commander of the special demolition unit of the Croatian army whose task it was to destroy the dam.

This latest armed attack is not only a continuation of the aggression by Croatia on the United Nations Protected Areas but is also in direct contravention of Security Council resolution 802 (1993). This action is a threat to peace and security in the region and threatens to provoke conflicts of wider proportion not only in the United Nations protected areas but also in the territory of Bosnia and Herzegovina.

The continued aggression requires the most urgent action by the Security Council to stop the aggression, restore the status quo ante and punish the aggressor.

I avail myself of this opportunity to express my highest appreciation for the responsible duties entrusted to you as President of the Security Council, in whom we have full confidence, duties which are of decisive importance for the establishment of peace in the territory of the former Socialist Federal Republic of Yugoslavia.

(*Signed*) Ilija DJUKIC

DOCUMENT S/25317

Letter dated 19 February 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*22 February 1993*]

I have the honour to transmit herewith a letter from Mr. Dobrica Cosic, President of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 19 FEBRUARY 1993 FROM THE PRESIDENT OF YUGOSLAVIA TO THE PRESIDENT OF THE SECURITY COUNCIL

I should like to inform you that the Croatian forces carried out another armed provocation on the border with the Republic of Montenegro, which constitutes a severe violation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. From their strongholds in the region of the villages of Dubravka, Cesmina Glava, Pelimovo Brdo, Crna Ljut, the Croats opened mortar fire at 1230 hours, tank fire at 1315 hours, and anti-aircraft machine-gun fire on the positions of the Army of Yugoslavia and civilian facilities in the region of the village of Stinica at 1505 hours. Despite all the interventions and calls for a cease-fire, the attack continues.

These are continued and brutal provocations that are part of a general "effort" of the Croatian side to provoke a conflict, drag the Federal Republic of Yugoslavia into war, and in that way relieve itself of the responsibility for its aggressive behaviour, especially for the aggression on the Republic of Serbian Krajina as a United Nations Protected Area. Mr. Ilija Djukic, Minister for Foreign affairs of the Federal Republic of Yugoslavia, informed the Security Council in writing of similar provocations that occurred on 23, 24, 25 and 28 January.

I avail myself of this opportunity to reaffirm to you our firm commitment to settle all the conflicts in the territory of the former Yugoslavia in a peaceful way in the framework of the negotiations under the auspices of the world Organization. That is why the Federal Republic of Yugoslavia this time again refrained from an adequate response, convinced that the Security Council will take urgent measures in order to prevent the escalation of another war, which is evidently what the Croatian side would like to achieve.

I have confidence in the authority of the world Organization and the Security Council, and therefore expect immediate and efficient action on their part.

(*Signed*) Dobrica COSIC
President

DOCUMENT S/25318

Letter dated 19 February 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*22 February 1993*]

I have the honour to transmit herewith updated information on the illegal arms shipments to Slovenia, Croatia and the Muslim forces in Bosnia and Herzegovina in violation of the mandatory arms embargo imposed by the Security Council (see annex I).

The compiled data cover the period after 3 November 1992, when the Government of the Federal Republic of Yugoslavia submitted a memorandum on the violations of United Nations Security Council resolutions 713 (1991) and 724 (1991) implementing a general and complete embargo on all deliveries of weapons and military equipment to the entire territory of the former Yugoslavia.

I am also enclosing information concerning the use, recruitment and training of foreign mercenaries by Croatian and Muslim forces in the civil war in Bosnia and Herzegovina and on the involvement of the authorities in Croatia in those activities (see annex II).

Consequently, we feel strongly that the information submitted merits the most urgent attention of the members of the Security Council.

I should be grateful if you would have this letter and the annexes circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

ANNEX I

Illegal arms shipments to Slovenia, Croatia and the Muslim forces in Bosnia and Herzegovina in violation of the arms embargo imposed by the Security Council

Hungarian arms dealers delivered through private channels considerable quantities of RPG anti-personnel and anti-tank missiles, Kalashnikovs and various other artillery rockets to Croatia and Slovenia and through them to Bosnia as well.

In early 1992, Croatia imported 100 surface-to-air anti-aircraft missiles and 500 Mamba anti-tank rockets from Chile. The delivery was estimated at US$ 2 billion.

By early January 1992, Croatia got 3 Mig aircraft from Germany.

In April of 1992, Croatia received 60-T tanks from Germany (the arsenal remaining from the army of the former German Democratic Republic).

Again in April of 1992, Croatia imported larger quantities of weapons, namely AA Stinger missiles, Ambrust AT missiles and RPG-7 AP missiles.

In July 1992, Croatia received 10 Mig 21 and 2 Saab aircraft from Austria.

The Hungarian supplier was asked to provide 20 Soviet-made helicopters (transport and combat type) to be delivered by the end of September 1992. An additional 80 helicopters were planned to be bought later on.

Croatia bought a larger number of "Albatross" light aircraft, designed and equipped for tactical reconnaissance missions, from the French firm Avia Sud.

On 25 January 1993, 30 trucks came to the Zagreb fair storage area from Germany. Their cargo was loaded onto trucks of the Office of the United Nations High Commissioner for Refugees and dispatched to Bosnia. Among other equipment it was established that four trucks contained ammunition and missiles.

In the middle of January 1993, the German customs confiscated 63 Leopard tanks which reportedly should have been delivered to Croatia through clandestine channels.

On 18 January 1993, the Italian vessels enforcing the arms embargo intercepted the ship *Delphine I* which sailed under the flag of Saint Vincent and the Grenadines. The captain of the vessel was Turkish, and so were his crew. The ship was bound from Karachi and made a stop-over in the port of Istanbul. The Italian authorities inspected the cargo and found its 45 containers transporting AT and Howitzer shells. The port of destination was Split.

ANNEX II

Use, recruitment and training of foreign mercenaries by Croatian and Muslim forces in the civil war in Bosnia and Herzegovina and the involvement of the authorities in Croatia

During the month of July 1992, 50 Palestinians were sent from Saarbrucken, Germany, via Zagreb to Bosnia and Herzegovina to fight on the side of "green berets" there.

During the course of July 1992, 7,000 armed Muslims and Croats were sent to Gradacac from Zagreb in order to fight the local Serbs.

In September 1992, a group of Muslims in Czechoslovakia dispatched a larger number of Muslim volunteers via Karlovac in Croatia to the area of Cazin Krajina in Bosnia and Herzegovina.

During the course of the same month in 1992, about 1,500 Albanians of Macedonia were trained at the Maksimir training camp in Zagreb. A group consisting of 300 armed Albanians was infiltrated in the wider area of Zvornik in Bosnia and Herzegovina from Zagreb in order to carry out a joint operation with Muslim forces aimed at cutting the Zvornik-Pale communication link.

Again in September of 1992, a training centre for mujahidin, Kurds of Afghanistan and the Islamic Republic of Iran and from other Islamic States was established on the outskirts of Munich, Germany. Some 1,000 of these trainees were subsequently included in the "green beret" units in Bosnia and Herzegovina through Zagreb.

On 9 September 1992, in the day, 200 Muslim mercenaries were infiltrated into Cazin Krajina from Croatia. A number of these mercenaries were recruited in Austria and Germany.

During the month of October 1992, French Nazis Michael Faci and Nicholas Peucelle set up a volunteer operations group in Bosnia and Herzegovina known as "Zak Dorjo". Members of this group belonged to the far right. A photograph of Faci wearing an SS uniform with a citation of the Croatian Government was published in the newspaper *L'événement du jeudi*.

On 2 October 1992, a group of 30 foreign mercenaries travelled from Zagreb to Doboj to join the "green beret" units of Bosnia and Herzegovina.

On 3 October 1992, 800 Muslims were rounded up in a police raid in Rijeka and sent into Bosnia to join the "green berets".

During the course of October 1992, about 800 mujahidin came to Zenica through Zagreb.

On 19 November 1992, 320 Hezbullah members and officers arrived in Bosnia via Zagreb at their own request in order to fight for the Muslim side.

During the month of November 1992, approximately 3,500 mujahidin, who came from Zagreb to fight among the "green berets", were deployed in the area of Bugojno.

On 24 November 1992, a mujahidin platoon participated in the battle against the Serbs along the Domljenovac-Grebenica line as part of the 102nd HVO (Croatian Defence Council) brigade. They came to this area from Zagreb.

In late November 1992, a military delegation from the Islamic Republic of Iran came to visit Alija Izetbegovic, leader of Bosnia and Herzegovina, via Zagreb. This delegation used that opportunity to visit the units of their mercenaries deployed in the areas of Igman, Pazaric and Hrasnica.

In early December 1992, 50 Sudanese mercenaries were transported on board an aircraft from Zagreb to Cazin Krajina.

Last December an international brigade was dispatched from Zagreb to the areas of Livno and Duvno in Bosnia and Herzegovina. This international brigade comprised mercenaries from Poland, Spain, France and Germany and from Islamic countries.

During the course of last December, a group of mujahidin was sent from Zagreb to Cazin Krajina. Among them there were also six Sudanese in the capacity of instructors to the "green berets".

Again in December 1992 and January 1993, military experts visited the HVO training centre in Tomislavgrad (Duvno) Retired United States Colonel Robert Brown, formerly with special United States forces, was among them

In the course of January of this year, nearly 100 mercenaries coming from abroad (United States, Finland, Sweden and Denmark) were sent into the 17th Muslim brigade stationed in Travnik, through Zagreb

On 18 January 1993, a group of 285 Muslim mercenaries flew into Zagreb from Berlin and subsequently to Bosnia and Herzegovina in order to join the "green berets".

The French Embassy has formally requested the body of a French mercenary who died fighting for the 108th HVO brigade on 1 February 1993

In early February of this year, Croatia publicly accused Muslims of bringing 13,000 mujahidin to Zenica through Croatia and that they were the cause of the conflict which broke out between the Croatian and Muslim forces in the area

Again in early February 1993, 20 United Kingdom citizens came to Zagreb as mercenaries wanting to join up with Muslim forces

A group of mujahidin fanatics from Saudi Arabia led by a certain Abu Isa El Meki has committed especially brutal crimes and barbarities against the Serb population in the territory of Bosnia and Herzegovina This group has about 43 members and was deployed to Bosnia directly from Mecca through Zagreb

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DOCUMENT S/25319[*]

Letter dated 18 February 1993 from the representative of Denmark to the Secretary-General

[*Original: English/French*]
[*22 February 1993*]

I have the honour to transmit herewith the text of a statement on the situation in Rwanda issued by the European Community and its member States on 15 February 1993.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Bent HAAKONSEN
Permanent Representative
of Denmark
to the United Nations

TEXT OF THE STATEMENT

The European Community and its member States recall their statement of 21 January 1993, in which they welcomed the progress achieved in the peace process initiated in Arusha.

They condemn the flagrant violation of the cease-fire by the Rwandese Patriotic Front, which is prejudicial to the search for a negotiated solution - the only means of ensuring lasting peace.

The Community and its member States appeal urgently to all political forces to assume their responsibilities in order to avoid an even more catastrophic situation for displaced persons, now numbering hundreds of thousands.

They also condemn all types of violence, including the acts of violence committed by political militants, which have caused hundreds of deaths and heightened political tension.

The Community and its member States call upon the parties concerned to resume the process of conciliation without delay.

DOCUMENT S/25320[**]

Letter dated 19 February 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*22 February 1993*]

I have the honour to present to you the attached letter, dated 19 February 1993, from Mr. Mile Akmadzic, Prime Minister of the Republic of Bosnia and Herzegovina, addressed to you.

I should be grateful if you would have the text of the present letter and the attached letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

LETTER DATED 19 FEBRUARY 1993 FROM THE PRIME MINISTER OF BOSNIA AND HERZEGOVINA TO THE SECRETARY-GENERAL

Pursuant to your report of 8 February 1993 to the Security Council [*S/25248*], I wish to make the following comment on section II thereof, entitled "Meetings with the three Bosnian sides":

The Bosnian Croat side is also part of the Government of the Republic of Bosnia and Herzegovina. The Bosnian Government cannot be identified solely with Bosnian Muslims.

When considering the issue of internal political settlement of the Republic of Bosnia and Herzegovina, we must recognize three different constituencies: Muslims, Serbs and Croats. These same constituencies are recognized in the Constitution of the Republic of Bosnia and Herzegovina. Therefore, the same constituencies should be recognized as three negotiating parties with respect to the future political arrangement of their country.

It is misleading and unfair to Croats of Bosnia and Herzegovina, that the Bosnian Government side, in your reports, refers exclusively to Bosnian Muslims.

(*Signed*) Mile AKMADZIC

DOCUMENT S/25321

Letter dated 19 February 1993 from the representative of Moldova to the Secretary-General

[*Original: English*]
[*22 February 1993*]

I have the honour to forward herewith the text of a letter addressed to you by Mr. Nicolae Tau, Minister for Foreign Affairs of the Republic of Moldova, dated 18 February 1993, concerning the large scale military manoeuvres of the 14th Army of the Russian Federation on the territory of the Republic of Moldova.

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[*] Circulated under the double symbol A/48/89-S/25319

[**] Circulated under the double symbol A/47/894-S/25320.

I should be extremely grateful if necessary arrangements would be made to circulate as urgently as possible the text of the present letter and the attachment as a document of the Security Council.

(*Signed*) Tudor PANTIRU
Permanent Representative of
Moldova to the United Nations

LETTER DATED 18 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF MOLDOVA ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to several recent events, which constitute a serious violation of the sovereignty of the Republic of Moldova and destabilize the social-political situation which is already considerably fragile.

In this regard, I inform you that the 14th Army of the Russian Federation started on 15 February 1993, in an arbitrary way, without informing the authorities of the Republic of Moldova, large scale military manoeuvres, not taking into consideration the opposition of the Government of the Republic of Moldova towards such actions, thus violating the resolution entitled "Regarding certain measures of alleviating the situation in the eastern regions in connection with the intervention of a foreign army" adopted by the Parliament of Moldova on 27 May 1992 and the Moldo-Russian Convention on the principles of a peaceful settlement of a military conflict in the eastern regions. Unfortunately, all our attempts to tackle this problem on bilateral level have failed.

I consider that such destabilizing actions should receive a decisive response of the world community.

In this context, I consider appropriate to introduce in the mandate of the United Nations mission expected to visit Moldova, an item stipulating the participation of United Nations representatives as observers to the bilateral negotiations regarding the withdrawal of military units of the Russian Federation from the territory of my country, including the monitoring of the withdrawal process itself.

Nicolae TAU
Minister for Foreign Affairs

DOCUMENT S/25322

Letter dated 22 February 1993 from the representatives of Bulgaria, Romania and Ukraine to the President of the Security Council

[*Original: English*]
[*23 February 1993*]

Upon instructions from our Governments, we have the honour to transmit herewith the text of the memorandum issued following the consultations held in Bucharest on 18 February 1993, between the Ministries of Foreign Affairs of Romania, Bulgaria and Ukraine, as riparian States of the Danube, regarding the implementation of the Security Council sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro).

We should be grateful if you would have the text of the present letter and the memorandum circulated as a document of the Security Council.

(*Signed*) Ioan BARAC
Chargé d'affaires a.i. of
the Permanent Mission of
Romania to the United Nations

(*Signed*) Slavi PASHOVSKI
Permanent Representative of
Bulgaria to the United Nations

(*Signed*) Victor BATIOUK
Permanent Representative of
Ukraine to the United Nations

TEXT OF THE MEMORANDUM

On 18 February 1993, consultations were held at Bucharest between the Ministries of Foreign Affairs of Romania, Bulgaria and Ukraine, riparian States of the Danube, in connection with the implementation of sanctions established by the Security Council.

The consultations were attended by customs, transport and border guard experts from the three countries and by representatives of the sanctions assistance missions of the European Community/Conference on Security and Cooperation in Europe.

During the meeting, a comprehensive exchange of views on the application of sanctions on the Danube was held. The parties considered that sanctions were an integral part of the international efforts for the peaceful settlement of the crisis in the former Yugoslavia and their strict implementation by all countries would contribute to the speedy solution of the crisis. In that respect, the participants reiterated the determination of their countries to act in accordance with the provisions of Security Council resolutions 757 (1992) and 787 (1992), as well as with the consolidated guidelines for their implementation, adopted by the Committee established pursuant to resolution 724 (1991).

The determination expressed in the statement of the Government of Romania of 27 January 1993 [*S/25189*], the statement of the Government of Bulgaria of 1 February 1993 [*S/25213*] and in the statement of the Ministry of Foreign Affairs on behalf of the Government of Ukraine of 29 January 1993 [*S/25195*] was reaffirmed to further strictly comply with Security Council resolutions 713 (1991), 757 (1992) and 787 (1992). The parties stressed that the competent authorities in their countries would continue to coordinate their actions with a view to applying the sanctions and would take practical measures aiming at improving their collaboration.

The Ministries of Foreign Affairs of the three countries will continue to assist their competent national authorities in the implementation of sanctions on the Danube and, in their turn, will cooperate among themselves with a view to increasing the efficiency of measures taken. They will also actively cooperate with the sanctions assistance missions. They also welcome the appointment of a European Community/Conference on Security and Cooperation in Europe coordinator in this matter. The parties expressed their hope to receive as soon as possible the technical assistance required under paragraph 15 of Security Council resolution 787 (1992), aimed at improving the technical capacity of the competent national institutions involved in monitoring the implementation of sanctions on the Danube.

The representatives of the three Ministries considered also the possibilities to improve the direct collaboration of Romania, Bulgaria and Ukraine within the United Nations in this specific field. It was agreed that Romania, Bulgaria and Ukraine would proceed to joint *démarches* in requesting more substantial support from the United Nations in connection with the efforts of riparian States that apply the relevant Security Council resolutions. The Permanent Missions to the United Nations of the three countries will act jointly in matters related to the fulfilment of their responsibility, as riparian States, in monitoring international navigation on the Danube.

The parties took note of the reference made in the statement by the President of the Security Council on 10 February 1993 [*S/25270*] that, under Article 103 of the Charter, the obligations of the Members of the United Nations under the Charter prevail over their obligations under any other international agreement.

The participants emphasized the considerable losses the parties are suffering as a result of the sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro). Reference was made to Article 50 of the Charter and to the report entitled "An agenda for peace" [*S/24111*] submitted by the Secretary-General to the General Assembly at its forty-seventh session. In this respect, the parties expressed their willingness to act by addressing the matter in the Security Council, in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization as well as in other competent United Nations bodies with a view to finding the best ways to solve their problems and to alleviate the serious economic difficulties caused by compliance with Security Council resolutions 757 (1992) and 787 (1992). The participants considered undertaking some practical steps to this effect.

The representatives of the three Ministries of Foreign Affairs expressed the readiness of their countries to continue consultations and cooperation between their competent institutions in the implementation of the sanctions on the Danube.

The three parties agreed to make public and to submit the present memorandum to the Security Council.

DOCUMENT S/25325

Letter dated 23 February 1993 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*23 February 1993*]

The recent statements made by the highest officials of the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular by the Yugoslav President Dobrica Cosic, raise the most serious concern that the authorities in Belgrade are continuing to aggravate the crisis on the territory of the former Yugoslavia.

In this regard I would like to call your attention to a press release issued by the "Permanent Mission of the Federal Republic of Yugoslavia", dated 16 February 1993, which contains excerpts from an interview given by Mr. Cosic to the Hungarian media. Mr. Cosic warned that "if Croatia's aggression were spread from Krajina to Slavonija and Baranja and a new front were opened there, then he could not guarantee that the FRY [*Federal Republic of Yugoslavia*] ... would not resort to arms in order to defend the wholeness of its territory".

I must remind you that Slavonija and Baranja are part of the territory of the Republic of Croatia and are inside its internationally recognized borders. Baranja and the eastern part of Slavonija (including the towns of Beli Manastir, Dalj, Vukovar and Ilok) are currently under United Nations protection as UNPA Sector East. Although a cease-fire has been established in this area, Serbian aggression still continues through the forceful expulsion of all the non-Serbian population. Therefore, in spite of the UNPROFOR [*United Nations Protection Force*] presence, Croatia regards the UNPA [*United Nations Protected Area*] Sector East to be under Serbian occupation. Under such circumstances any insinuation about "Croatia's aggression" is preposterous and can be judged only as part of the attempt by the Federal Republic of Yugoslavia (Serbia and Montenegro) to annex that portion of the territory of the Republic of Croatia.

Mr. Cosic also made some remarks concerning the situation in the UNPA Sector South, stating that "Serbs in Krajina must decide, in a peaceful and democratic manner, if they wish to retain their present republic or not". Officials in the Federal Republic of Yugoslavia (Serbia and Montenegro) are thus continuing to "recognize" a Serbian "state" in the Republic of Croatia, which is contrary to the policy of the United Nations, CSCE [*Conference on Security and Cooperation in Europe*] and the entire world community. Croatia would willingly grant the Serbian population on its soil a high level of local autonomy, but decisively rejects any attempt aimed at the creation of a "Serbian state" inside the borders of the Republic of Croatia.

At the same time Mr. Cosic is rejecting the "old type" of autonomy in Vojvodina because "when a tragic turning-point in the history of the Serbian people had come about, the Hungarians were not paying back for those thirty years with adequate solidarity". Mr. Cosic is not ready for the autonomy "which excluded Serbia and the Serbian majority from decision making", but is supporting a Serbian "state" at the cost of the territorial integrity of a sovereign State Member of the United Nations. Such double standards are unacceptable not only from a moral point of view, but also represents a dangerous political anachronism that is threatening European peace and stability.

The Croatian Government firmly supports the United Nations efforts to achieve and strengthen peace in the Republic of Croatia and the Republic of the Bosnia and Herzegovina through precise action based upon the plans made by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. Croatia emphasizes the crucial importance of the Vance plan and Security Council resolution 769 (1992), especially concerning the return of the refugees, demilitarization of the UNPAs, and the imposing of tight UNPROFOR control of the Croatian border with the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina.

Croatia as a sovereign State Member of the United Nations expects that the Security Council will not allow the Federal Republic of Yugoslavia (Serbia and Montenegro) to enjoy the fruits of their aggression, and that it will continue to respect in every possible way the sovereignty and territorial integrity of the Republic of Croatia.

I would kindly request that you have this letter circulated as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

DOCUMENT S/25326*

Letter dated 23 February 1993 from the representative of Guatemala to the Secretary-General

[*Original: Spanish*]
[*23 February 1993*]

In relation to the "Proposal for the immediate signing of the agreement on a firm and lasting peace in Guatemala", submitted by Mr. Jorge Antonio Serrano Elías to the General Assembly at its plenary meeting on 19 January 1993[24] and to you in a private meeting on the same day, I have the honour to transmit herewith a letter addressed to you by the Minister for Foreign Affairs of the Republic of Guatemala, Mr. Gonzalo Menéndez Park, which refers to this matter.

I should be grateful if you would have this letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Julio Armando MARTINI HERRERA
Permanent Representative
of Guatemala to the United Nations

LETTER DATED 19 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF GUATEMALA ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to the "Proposal for the immediate signing of the agreement on a firm and lasting peace in Guatemala", which was submitted by the Constitutional President of the Republic of Guatemala, Mr. Jorge Antonio Serrano Elías, to the General Assembly at its plenary meeting on 19 January 1993 and to you formally in a private meeting on the same day.

I wish to express the satisfaction of the people and Government of Guatemala at the favourable and supportive reception of that proposal by the international community, for we are sure that the proposal constitutes a firm step that will lead to an early peace in Guatemala.

We are informed that, at the meeting of the Security Council on 22 January 1993, you orally reported on the proposal submitted by President Serrano Elías. We understand that, on that occasion, you expressed your readiness to initiate the steps leading up to the preparation of the plan for the establishment of machinery to verify compliance with the human rights agreements, in accordance with item 1 of the proposal [*see S/25134, annex*].

It is a source of great satisfaction to my Government that the United Nations has taken an interest in this matter, and it hopes to know its conclusion at the appropriate time.

Nevertheless, I wish by this letter to endorse the content of the "Proposal for the immediate signing of the agreement on a firm and lasting peace in Guatemala", which must be understood and considered as a whole, because it envisages, as you pointed out in your statement to the Security Council, the preparation by the Secretary-General of the United Nations of plans on subjects necessary for the effectiveness of the peace process, such as:

1. The procedure for determining the machinery for the definitive cease-fire to be decreed at the end of the 90-day term and all its implications, such as the temporary concentration of the armed forces of the Unidad Revolucionaria Nacional Guatemalteca (URNG) under United Nations verification;

2. The final procedures for the demobilization, disarmament and integration of URNG in the legal and institutional life of Guatemala, the achievement of which must also be verified by the Organization.

On the basis of the above considerations, I should be grateful to you if the other procedures described could be proposed as soon as possible, at the same time as the machinery is devised for the immediate verification of the implementation of the Human Rights Agreement.

I am confident that this request, which covers the content of item 3.3 of the proposal submitted by President Serrano Elías on behalf of the people and Government of Guatemala, will merit your greatest attention and acceptance, and I should be grateful if you would have this letter circulated as a document of the General Assembly and of the Security Council.

DOCUMENT S/25329

Letter dated 24 February 1993 from the representative of the Russian Federation to the President of the Security Council

[*Original: Russian*]
[*24 February 1993*]

I have the honour to transmit to you herewith the text of a statement issued on 24 February 1993 by the Ministry of Foreign Affairs of the Russian Federation concerning Russia's proposals on further measures to settle the crisis in the former Yugoslavia.

I should be grateful if you would have the text of this letter and the statement circulated as a document of the Security Council.

(*Signed*) Y. M. VORONTSOV
Permanent Representative of the
Russian Federation to the United Nations

TEXT OF THE STATEMENT

The leadership of the Russian Federation continues to pay very close attention to the question of a settlement in the former Yugoslavia. The special representative of the President of the Russian Federation, Mr. V. Churkin, who has been joined by the special representative of the President of the United States of America, Mr. R. Bartholomew, is working actively in New York with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to promote the Vance-Owen plan.

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*Circulated under the double symbol A/47/895-S/25326.

Yesterday we called upon all Bosnian parties to come to New York immediately, with the appropriate plenipotentiary powers, to engage in constructive work and adopt the whole package of agreements.

Now it is essential not to allow any interruptions in the negotiations process and the joint efforts of the international community to ensure the speedy approval and implementation of the Vance-Owen plan.

With this objective in mind, the President of the Russian Federation has approved the following Russian proposals on further measures to settle the crisis in the former Yugoslavia.

1. Russia calls upon all Bosnian parties to observe a truce for the duration of the negotiations, and to halt the shelling of cities, in particular Sarajevo.

2. All hostilities in Croatia must be halted. If the strengthening of the mandate of the United Nations Protection Force fails to produce the desired effect, Russia will continue to call for sanctions in the Security Council.

3. Russia is deeply committed to the speedy adoption by all Bosnian parties of the Vance-Owen plan on Bosnia and Herzegovina, and its endorsement by a Security Council resolution.

4. After the Serbian side signs the Vance-Owen package of agreements conditions will be created for the gradual lifting of sanctions against the Federal Republic of Yugoslavia and the normal participation of the Federal Republic of Yugoslavia in the United Nations bodies and other international organizations.

5. Russia advocates the establishment of multinational United Nations forces to assist in the implementation of the Vance-Owen plan after it is approved, and is considering the possibility of the participation of a Russian contingent in such forces. In the implementation of a future peacemaking operation under the control of the Security Council, we are prepared to enlist the participation of a mechanism of the North Atlantic Cooperation Council, including the material and technical resources of the relevant regional structures, in accordance with Chapter VIII of the Charter of the United Nations.

6. The Security Council and the Conference on Security and Cooperation in Europe should consider more rigorous measures to monitor the observance of the embargo on deliveries of arms to Bosnia and Herzegovina.

7. The Security Council's decision that the Secretary-General of the United Nations should prepare proposals on the establishment of an international tribunal should serve the purpose of the objective investigation of war crimes committed during the conflict. We are prepared to include Russian specialists in the investigation of the mass graves in the region of Vukovar (Croatia) and in the Geneva Commission of Experts to establish the facts of war crimes in the former Yugoslavia.

8. Russia advocates the development of guarantees for the exercise of human rights in Bosnia and Herzegovina, with emphasis on the rights of minorities.

DOCUMENT S/25330

Letter dated 24 February 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*25 February 1993*]

I have the honour to transmit herewith a letter from Mr. Ilija Djukic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 23 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have been formally informed that the Government of the United States of America intends to undertake airdrops of humanitarian assistance into areas of eastern Bosnia. Since there is no Security Council resolution on this subject, the United States Government states that Security Council resolution 770 (1992) provides a legal basis for such a decision. The United States Government claims that this is a supplemental, temporary emergency effort. At the same time, the United States warned the Yugoslav Army not to disrupt and respond in any way to this relief action, although it is well known that the Yugoslav Army units are not present in the territory of Bosnia and Herzegovina and that the Federal Republic of Yugoslavia is not a party to the civil war going on there. We have also been advised that the airdrops will begin by the end of this week. Furthermore, these airdrops are viewed by the United States as no substitute for relief convoys but as a supplemental, limited and temporary emergency operation.

In this regard, I should like to point out that the Government of the Federal Republic of Yugoslavia has always had a positive attitude towards sending humanitarian assistance into war zones. This support for the relief operation has been brought to your attention too, either directly or through UNHCR [*Office of the United Nations High Commissioner for Refugees*]. This is a lasting and firm position of my Government.

However, I cannot but call your attention, to the fact that we have received the information about airdropped humanitarian assistance in eastern Bosnia with some concern.

The fact that we support all forms of the delivery of relief supplies to the desperate population of all warring sides does not prevent us and release us from the responsibility to say that this decision by the United States Government is an announcement of a risky and unilateral operation. It does not have, in our judgement, the necessary legal authority under the adopted Security Council resolutions and the potential risk will be increased short of full coordination with the United Nations. In the carrying out of this operation, many unintended incidents might occur, some of which may not be accidental but may entail the desire to provoke a spillover of the war at a time when one of the belligerents in Bosnia and Herzegovina is openly advocating the continuation of the war, namely the Muslim side and the Government of Alija Izetbegovic.

As you know, General Morillon, Commander of UNPROFOR [*United Nations Protection Force*] forces in Bosnia and Herzegovina, has also warned of possible serious consequences of this decision in his public statement. As a Government which is doing all it can to promote peace and the peace-keeping plans drawn up by the Co-Chairmen of the London (Geneva) Conference as soon as possible, we wish to stress that the United States action, as planned, would constitute a precedent that could have some very negative and grave, though possibly unintended, implications for the completion of the process of negotiation which has made some progress recently, partly also because of the positions and policies adopted by the Government of the Federal Republic of Yugoslavia. I wish further to point out, that the Federal Republic of Yugoslavia cannot be held responsible for incidents which might take place over Bosnia and Herzegovina in the wake of the United States decision on air relief. The likelihood of such incidents is more realistic in the light of past unpleasant experiences.

We take note with pleasure of the assurances from the United States Government that airdrops will not be directed against continued delivery of aid through land convoys. I must, however, voice my fear that the decision might impede relief supplies from reaching the suffering populations of all the three communities and religions in Bosnia and Herzegovina, as delivered by UNHCR, ICRC [*International Committee of the Red Cross*] and other humanitarian organizations. Welcoming and supporting the efforts made by the international community to send humanitarian assistance to the communities in need, Yugoslavia itself has shipped its aid irrespective of the nationality of the population and even though it has over 600,000 refugees on its territory. It is offering these refugees the best assistance possible in conditions, as you know, of unjust and unwarranted sanctions imposed on it by the international community as a result of the civil war in Bosnia and Herzegovina. In view of the fact that the shipment of aid has been improved over the past few days, even into the besieged areas of Bosnia and Herzegovina, I would like to underscore the need to re-examine the purpose of undertaking an essentially risky operation based on the decision of the United States Government to airdrop relief supplies, for all our appreciation of its humanitarian motives.

It goes without saying that the Government of the Federal Republic of Yugoslavia, in accordance with its declared policy, does not want to take part in the Bosnian civil war through military action, nor has it undertaken any such action beyond its borders. This is fully in accord with our policy ever since the outbreak of the war. Accordingly, the Yugoslav Army will not interfere with the announced airdrops under the decision of the President and Government of the United States. It is understood that this is based on the premise that either the territory or the airspace of the Federal Republic of Yugoslavia will not be intruded upon. We take note in this context of the assurances received from the American side that this will not happen.

Any analysis made by the Council regarding airdrops of humanitarian assistance in the war zones of Bosnia and Herzegovina will, I believe, lead to the unavoidable conclusion that to deliver aid in the usual way, namely through UNHCR and ICRC, would be much more suitable and greater in size than to provide it by airdrops.

Everything getting in the way of the aid reaching its destinations should be most widely condemned. I, as a representative of the Government which is earnestly trying to promote peace in Bosnia and Herzegovina, would feel discomfort, if I would not convey to you my Government's and my own apprehensions regarding the airdrop decision of which we have just received formal notification from the United States Government.

Confident that the Council, with your personal support, will have full understanding for such concerns and positions on our part.

(*Signed*) Ilija DJUKIC

DOCUMENT S/25331

Letter dated 24 February 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*25 February 1993*]

I have the honour to transmit herewith a letter from Mr. Ilija Djukic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 24 FEBRUARY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to the letter, dated 19 February 1993, addressed to you by the President of the Federal Republic of Yugoslavia concerning the incident involving the Republic of Croatia [*S/25317*], I regret to inform you that Croatian provocations have not stopped on the border with the Republic of Montenegro. On 20 February 1993 at 1340 hours, a Croatian anti-tank missile hit and destroyed a non-combat vehicle of the Yugoslav Army. A soldier, Obrad Radovic, died and a civilian, Desimir Tesovic, was seriously injured.

In order to prevent the evacuation of the killed soldier and attendance of the wounded civilian, the Croatian forces opened fire from all weapons, so that the Yugoslav Army was forced to return fire and ensure the evacuation of the casualties. The Croatian side fired back from the well-known positions held in the villages of Dubravka, Pelinovo Brdo and Cesmina Glava, again using all types of weapons. The fighting went on till 1430 hours when the Yugoslav Army units ceased fire. However, the Croatian Army kept attacking until 15:30 hours, the time when UNPROFOR patrol vehicle came.

I am very much concerned by the development of the situation. Their latest provocation involved serious action against both military and civilian targets and caused a loss of life on the Yugoslav side. I am not aware of whether there were any casualties on the Croatian side. I regret if they had any, even though it was the Croatians who provoked the incident. Human losses are irreparable and deepen mistrust and discord. And this is obviously the goal pursued by the Croatian side.

Indeed, repeated provocations with ever graver consequences indicate that Croatia intends to renew the fighting in this area as well. The conflict which broke out in the Konavle area in September 1991 was caused by a series of provocations and attacks by Croatian irregulars against the army garrisons in the Prevlaka peninsula and in Montenegro. Unless the Croatian side is prevented from renewing the conflict, that will also mean breaking the commitments made under the auspices of the United Nations and by direct mediation efforts of senior United Nations officials. In this context, I would like to recall that the Presidents of the Federal Republic of Yugoslavia and of Croatia signed the Joint Declaration on 30 September 1992 [*S/24476, annex*]. In paragraph 3 of this Declaration the Presidents agree to the withdrawal of the Yugoslav Army under the Vance plan, the settlement of issues related to security in this area through demilitarization and deployment of United Nations observers and the renegotiation of general security in Boka Kotorska and Dubrovnik.

It is gratifying for me to point out that the Federal Republic of Yugoslavia has fulfilled all its commitments and that full agreement on the status of the Prevlaka peninsula as a United Nations Protected Area and on the "yellow" demilitarized zones has been reached with United Nations representatives deployed in the area as well as that the commitments entered into should be strictly complied with, as a basis for further negotiations.

The Secretary-General of the United Nations himself stated in his report that the Yugoslav side has complied with its commitments in a proper and timely manner, and he commended it. On the other hand, the Croatian side does not recognize and continuously violates the status of Prevlaka and the demilitarized zone, while on a part of the border with former Bosnia and Herzegovina it is ever more frequently and blatantly provoking clashes.

I believe that you share my view that the situation is very grave. Fresh provocations by the Republic of Croatia threaten to cause even more fierce fighting. If this happens, there is a great danger that the situation could get out of hand. This must be prevented by all means. Therefore, I should like to ask you to bring this appeal to the attention of the Council in order to take immediate action to impress upon the Republic of Croatia and its President to comply with the understandings undertaken under the auspices and with the great authority of the world Organization.

In anticipation of urgent action by the Council.

(*Signed*) Ilija DJUKIC

DOCUMENT S/25332

Letter dated 25 February 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*25 February 1993*]

Today, 9.30 a.m. (EST), the Permanent Mission of the Republic of Bosnia and Herzegovina to the United Nations was informed by reliable sources in Banja Luka that the authorities of the Serbian and Montenegrin occupying forces in the region have decreed an ultimatum to the 3,000 Muslim residents of the town of Sipova, near Banja Luka, to leave the town immediately, or to be deported on open air trucks beginning Friday, 7.30 a.m. local time.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25338

Letter dated 25 February 1993 from the representative of Saudi Arabia to the President of the Security Council

[*Original: English*]
[*25 February 1993*]

With reference to the letter dated 19 February 1993 [*S/25318*] from the Chargé d'affaires a.i. of the former Yugoslavia to the United Nations, in which he alleges that:

> "A group of Mujahidin fanatics from Saudi Arabia led by a certain Abu Isa El Meki has committed especially brutal crimes and barbarities against the Serb population in the territory of Bosnia and Herzegovina. This group has about 43 members and was deployed to Bosnia directly from Mecca through Zagreb",

I have the honour to inform you that my Government categorically denies such allegations. There is no record, whatsoever, of any Saudi citizen named Abu Isa El Meki. It is flabbergasting that the representative of the former Yugoslavia should refer in his letter to the commission of "especially brutal crimes and barbarities against the Serb population in the territory of Bosnia and Herzegovina", at a time when the whole world has become accustomed to the most gruesome crimes committed by Serbs, and encouraged by the Government of the former Yugoslavia, against little children, old men and women, including gang rapes of thousands of women. To drag the name of "Mecca" into these allegations is a blatant attempt to justify ethnic cleansing so that it may appear as though the Government of Bosnia and Herzegovina is attempting to establish a so-called "Islamic Fundamentalist State" in Europe. The Government of Saudi Arabia is confident that Members of the United Nations can easily see through the attempts to muddle the genocidal behaviour of the Serbs and former Yugoslavia.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Gaafar M. ALLAGANY
Acting Permanent Representative
of Saudia Arabia to the United Nations

DOCUMENT S/25339

Note verbale dated 26 February 1993 from the representative of Yugoslavia to the Secretary-General

[*Original: English*]
[*26 February 1993*]

I am writing to you regarding the letter from Mr. Muhamed Sacirbey, addressed to you on 1 February 1993 [*S/25210*], which contains false and malicious allegations that Muslims from the town of Trebinje, Bosnia and Herzegovina, have been "ethnically cleansed from their homes by Serbian and Montenegrin paramilitary forces ..."

I have the honour to transmit herewith copies of two documents that clearly demonstrate that displacement of the Muslim population in

Trebinje was in fact organized and forced by the Party of Democratic Action (SDA), whose leader is Mr. A. Izetbegovic.

I should be grateful if you would have the present letter and the annexes circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

ANNEX I

SDA
Party of Democratic Action

SDA, Sarajevo, Marsala
Tita Street, [illegible]

To: SDA Trebinje

Our ref.
Your ref.
No. 52/93
Date 01/20 1993

Subject: INSTRUCTIONS ON MOVING OUT FROM TREBINJE

Since the situation in Bosnia and Herzegovina is getting more complex security-wise by the hour, particularly after Karadzic and his clique from Pale accepted the Geneva documents, in order to fulfil the aspirations of all Muslims and safeguard and consolidate our State, Bosnia and Herzegovina, it is necessary to undertake the following measures as a matter of urgency, in the territory of the Commune of Trebinje:

I

Urge all Muslims, through our activists, particularly those wealthier and more distinguished ones, to move from Trebinje to Montenegro as soon as possible.

II

All property, moveable and immoveable, is to be sold or, if possible, left for safekeeping with reliable Serbs, earlier known to be friends of the Muslims and who oppose Karadzic's renegade policy.

III

If necessary, pressure and force should be applied on Muslims who fail to heed these orders.

IV

Upon arriving in Montenegro, all persons should immediately contact SDA (Party of Democratic Action), Merhamet and our people in the Liberal Alliance of Montenegro and await further instructions from them. All our religious institutions in Montenegro will lend help, and our brethren in Tuzi, Podgorica, Plav, Rozaj and all over Montenegro are waiting for you.

You shall be reimbursed for your property once we achieve the ultimate goal and we will appreciate your sacrifice, which is expected by all the Muslims of the world.

Respectfully,
Esselamu alejkum!
Sarajevo, 20 January 1993

Secretary of SDA
Hasan Cengic, sgd.

Seal of SDA, Sarajevo

ANNEX II

MUNICIPAL BOARD OF SDA
Trebinje

Appeal

Acting under instructions from the headquarters and in view of this crucial moment for the Muslim people at this time, we appeal to you to act as follows:

The universal principles of the Islamic faith, enshrined in the messages of Allah, oblige us to make our own contribution to the actual creation of Bosnia and Herzegovina as a sovereign State, which has been internationally recognized with the help of our friends the world over.

The Serbian-Chetnik armada with its leader Karadzic is seeking to avert us from our holy goals. In an attempt to deceive the world public, particularly now in Geneva, he falsely presents the Muslims from Trebinje to be loyal to the Serbian-Chetnik dictatorship as well as their commitment to the so-called "Serbian Republic" and its military brigandage.

We appeal to you, quietly and carefully, but courageously and in an orderly fashion, to start to temporarily leave our beloved and everlastingly Bosnian-Muslim Trebinje, to which we shall return in triumph, with the help of Allah and might of our State, Bosnia and Herzegovina, and that of our friends.

Our present sacrifice, painful as it may appear to the hesitant and ignorant, pales in comparison with what is surely coming to us and much quicker at that.

As a minimum, all Muslims should immediately leave the ranks of the so-called "Army of the Serbian Republic". It is our destiny to share the fate of all of our people and together with our families and other citizens, move to Montenegro.

We assure you that the road ahead of us is not one of uncertainty and suffering because we shall be received by shelter centres where each individual will be treated in a dignified and adequate manner.

Transport to western countries and other destinations has been secured through established channels and the work of our activists from Rozaj and Plav.

All answers or clarifications that you may need will be provided in detail by our activists in Trebinje and shelter centres in Montenegro.

Authorized official of the
SDA Trebinje, sgd [illegible]
Stamp (Party of Democratic Action,
Trebinje, SDA)

DOCUMENT S/25347

Letter dated 26 February 1993 from the representative of Hungary to the President of the Security Council

[*Original: English*]
[*27 February 1993*]

I have the honour to inform you that on 24 February 1993, acting in accordance with the relevant Security Council resolutions, the Romanian authorities denied access to the Iron Gate lock to a Yugoslav convoy of 19 barges loaded with petroleum. As a result, 45 Yugoslav barges are presently blocking the Danube, thus bringing to a complete halt the navigation on this vital international waterway.

The action taken by the Yugoslav barges is another retaliatory act against a country that is implementing the sanctions imposed by the Security Council on the Federal Republic of Yugoslavia (Serbia and Montenegro). Moreover, the blocking of the Danube inflicts further considerable losses on the economies of the riparian States that have already sustained significant damage due to the sanctions regime.

Hungary seeks early and effective action by the Security Council to remedy this intolerable situation.

I would kindly ask you to have the present letter circulated as a document of the Security Council.

(*Signed*) André ERDOS
Permanent Representative of
Hungary to the United Nations

DOCUMENT S/25350

Letter dated 1 March 1993 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*1 March 1993*]

Serbian militia and paramilitary units, taking advantage of their seizure of heavy weapons from UNPROFOR's storage facilities in the UNPA's North and South, are conducting continuous bombardment of the Maslenica crossing and the adjacent area - thus acting in flagrant violation of the provisions of paragraphs 8 and 9 of Security Council resolution 802 (1993).

It was the intention, and it remains the wish, of the Government of the Republic of Croatia to pursue efforts towards the normalization of life and the creation of peaceful conditions throughout the territory of Croatia. That is the reason why the Croatian authorities on a local level are organizing the ferry-boat connection servicing civilian traffic through the Strait of Maslenica, and are attempting to prepare for the construction of a pontoon bridge connecting the two shores. Their efforts are being disrupted by the continuous shelling from the Serbian side.

Furthermore, the Serbian insurgents are once again initiating bombardments of cities, townships and villages along the Adriatic coast. Areas of Zadar (Bibinje, Paljuv, Zemunik, Policnik, Prkos, Ralovac, Galovac, Skabrnja, Gorica, Rastane, Biograd na moru, Turanj, Filip-Jakov, Vrana, Novigrad, Jasenice, Maslenica) and Sibenik (Vodice, Bicine, Radisici, Dubravice, Velika Glava, Meterize) have been under constant alert due to mortar and artillery attack for the past four days. Zadar and its surroundings have a severe shortage of water and electrical supplies.

In this very sensitive moment, when the Croatian Government under the auspices of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia is putting all efforts into negotiations with the representatives of the Serbian population on the UNPAs aimed towards full implementation of Security Council resolution 802 (1993), the other party is proving that its intentions are contrary to the spirit and the letter of the said resolution. The purpose of the perpetrator is to instigate the renewal of the hostilities, and to bring the country to the state of full-fledged war. The paramilitary units of the Serb insurgents have been replenished with the "volunteers" from the Federal Republic of Yugoslavia (Serbia and Montenegro), which continues the aggression on the territory of the Republic of Croatia.

We urge the Security Council to take action in preventing these incidents -that are contrary to its decisions - to continue unabated.

I would ask for your kind assistance in distributing this letter as a document of the Security Council.

(*Signed*) Vladimir DROBNJAK
Chargé d'affaires a.i.
of the Permanent Mission of
Croatia to the United Nations

DOCUMENT S/25351

Letter dated 2 March 1993 from the representative of Austria to the President of the Security Council

[*Original: English*]
[*2 March 1993*]

I have the honour to refer to the blockade of the Danube caused by barges from the Federal Republic of Yugoslavia (Serbia and Montenegro) which was brought to the attention of the Security Council on 26 February 1993. This illegal blockade is still in place, resulting in a complete halt to navigation on the Danube and a complete interruption of the Danube/Black Sea traffic. This blockade causes severe economic damage to Austria and to the other Danubian countries.

The action taken by the Yugoslav barges constitutes a breach of international law and an unacceptable act of retaliation against those countries that are duly implementing Security Council resolutions 757 (1992) and 787 (1992).

Austria therefore requests the Security Council to take necessary measures in order to remedy this intolerable situation. Austria considers that the international community should not accept the behaviour of a State that not only does not implement Security Council resolutions, but also tries - through illegal countermeasures - actively to defy and frustrate them.

I would be grateful if you could have this letter circulated as a document of the Security Council.

(*Signed*) Peter HOHENFELLNER
Permanent Representative of
Austria to the United Nations

DOCUMENT S/25352

Letter dated 2 March 1993 from the representative of Israel to the Secretary-General

[*Original: English*]
[*2 March 1993*]

I have the honour to draw your attention to the fact that over the last few days, Israeli towns and villages have once again been subjected to indiscriminate rocket bombardments originating from Lebanese territory.

In several letters to the Secretary-General, the Government of Lebanon accused Israel, *inter alia*, of acts of aggression and attempts to destabilize Lebanon and undermine its national unity and territorial integrity. From the aforementioned Lebanese communications, one could be led to believe that Israel arbitrarily attacks civilian and military targets in Lebanon at whim, in order to destabilize and undermine Lebanon.

In repeating such misleading accusations, the Government of Lebanon could hardly believe that the international community is blind to the real reasons for the instability in the area of the Israel-Lebanon border. The international community is fully aware of the fact that the Hezbollah terrorist organization, the source of whose instructions is widely known, functions both within and from Lebanese territory and commits acts of terror and violence which are aimed at adversely influencing and frustrating the peace process.

Despite Lebanon's declared commitment, pursuant to the 1989 Taif Agreement, to disarm all the militias functioning on its territory, no attempt has been made so far by the Lebanese Government to disarm the Hezbollah terrorist organization. On the contrary, the organization is encouraged by Lebanon's leaders; it is granted freedom of movement by the Lebanese Army to carry out acts of terrorism and it is granted shelter after completing such acts.

The Hezbollah terrorist organization functions with impunity within Lebanon, openly intent upon undermining the peace process, regardless of the better interests of Lebanon itself and in open abuse of Lebanon's national unity and integrity. Its activities are initiated, planned and supported by Iran, and carried out with the sanction and cooperation of the Government of Lebanon. Some of Hezbollah's recent activities have been orchestrated to commemorate the first anniversary of the death of the organization's previous leader, Abbas Mussawi, and to serve as a demonstration of "welcome" to the area for the visit of the Secretary of State of the United States of America. These activities have involved all-out, pre-planned and coordinated infantry attacks on targets in southern Lebanon and rocket attacks on Israeli towns and villages. In clear abuse of accepted humanitarian norms, the bases and emplacements of the Hezbollah terrorist organization are located within, or in close proximity to, civilian population centres and infrastructures, thereby cynically utilizing innocent civilians as human shields for their terrorist activities.

The sanction given by the Government of Lebanon to acts of terror both on and from Lebanese territory constitutes a stark violation by Lebanon of its international responsibilities and obligations under the Charter of the United Nations and relevant norms of international law.

Israel has expended every effort to respond to the Hezbollah attacks with moderation and restraint, and is obliged to undertake whatever measures necessary to protect itself from such terrorism and to detect and prevent activities and infiltrations by Hezbollah terrorists across the Israeli-Lebanese border.

When addressing the international community, Lebanon must not misrepresent the facts. It cannot call upon the Security Council to act against another Member State when Lebanon itself is sanctioning terrorism. The recent attempts by Lebanon to internationalize the mutual Israeli-Lebanese problems by repeatedly urging Security Council action against Israel, serve to undermine the bilateral peace negotiating process, which is the only feasible means of solving disputes between the two countries. Israel continues to hope that Lebanon will make a courageous choice and live up to its commitment by disarming Hezbollah as well as the other terrorist organizations functioning within and from its territory. We also hope that Lebanon will negotiate and sign a treaty of peace with Israel, with a view to achieving peace and security in the area.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Gad YAACOBI
Permanent Representative of
Israel to the United Nations

DOCUMENT S/25353

Letter dated 3 March 1993 from the representative of the United States of America to the President of the Security Council

[*Original: English*]
[*3 March 1993*]

In view of reports of continuing fighting in Bosnia and Herzegovina I have been instructed by my Government to request urgently an immediate meeting of the Security Council to discuss the situation.

I would appreciate it if you would have this letter circulated as a document of the Security Council.

(*Signed*) Madeleine ALBRIGHT
Permanent Representative of
the United States of America
to the United Nations

DOCUMENTS S/25354 AND ADD.1 AND 2

Further report of the Secretary-General submitted in pursuance of paragraphs 18 and 19 of Security Council resolution 794 (1992)

DOCUMENT S/25354

[*Original: English*]
[*3 March 1993*]

1. The present report is submitted in pursuance of paragraphs 18 and 19 of Security Council resolution 794 (1992) of 3 December 1992 in which the Security Council:

> "*Requests* the Secretary-General and, as appropriate, the States concerned to report to the Council on a regular basis, the first such report to be made no later than fifteen days after the adoption of the present resolution, on the implementation of the present resolution and the attainment of the objective of establishing a secure environment so as to enable the Council to make the necessary decision for a prompt transition to continued peace-keeping operations;
>
> "*Also requests* the Secretary-General to submit a plan to the Council initially within fifteen days after the adoption of the present resolution to ensure that the United Nations Operation in Somalia will be able to fulfil its mandate upon the withdrawal of the unified command;".

2. Section I of the present report contains a factual description of the further action taken since my report of 26 January 1993 to implement resolution 794 (1992). Humanitarian activities are covered in section II, political reconciliation in section III, establishment of a Somali police force in section IV and public information activities in section V. Section VI sets out my current thinking on the modalities for effecting the transition from the Unified Task Force (UNITAF), to what will become UNOSOM II. Financial aspects are covered in section VII and my observations are contained in section VIII.

I. IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 794 (1992) (26 January-28 February 1993)

3. The specific terms of reference entrusted to the Secretary-General by resolution 794 (1992) concern:

(*a*) The operations and further deployment of the United Nations Operation in Somalia (UNOSOM) (para. 6);

(*b*) Implementation of the operation to establish a secure environment for humanitarian relief operations (para. 10);

(*c*) The establishment of mechanisms for coordination between the United Nations and UNITAF (para. 13), including the attachment of UNOSOM liaison staff to the headquarters of UNITAF (para. 15);

(*d*) Continued efforts to achieve a political settlement (para. 20).

The action taken under each of these mandates is described below.

A. *The operations of UNOSOM*

4. In my report of 26 January 1993 to the Security Council [*S/25168*], I indicated that a major preoccupation for UNOSOM at that juncture was the planning for the arrangements for the transition of UNITAF to UNOSOM II. The planning included present plans for deployment of troops to northern Somalia, proposals for mine clearance, creation of a Somali police force and gradual strengthening of the UNOSOM headquarters military component.

5. The military component of UNOSOM currently has a strength of 715, all ranks, composed mainly of an infantry battalion of 500 all ranks, 50 military observers, movement and logistics elements and a small headquarters company and staff. After the adoption of resolution 794 (1992), further deployment into Somalia, which had been authorized under Security Council resolution 775 (1992) of 28 August 1992, was put on hold pending assessment of conditions on the ground. However, I am continuing to strengthen UNOSOM headquarters. I have also appointed a Force Commander who will manage the transition process and command UNOSOM II when it is established.

B. *Implementation of the operation to establish a secure environment for humanitarian relief operations*

6. Since the adoption of Security Council resolution 794 (1992) UNITAF has deployed approximately 37,000 troops in southern and central Somalia. No troops have been deployed in the north and in border areas. The overall security situation in the sectors under the control of UNITAF has slowly improved, although incidents of violence continue to occur in the major population centres and in some rural areas. The UNITAF Commander has declared that "all areas are stable or relatively stable". However, UNITAF forces have continued to be the target of sniper fire and harassment, and, especially in recent weeks, major incidents of resumed fighting or rioting have been reported from Kismayo and Mogadishu. While most major clans and factions have welcomed the deployment of UNITAF and have cooperated, the positions of some of the faction leaders have not always remained consistent. UNITAF's presence in key areas of the country has reduced the influence of those whose power was based on their heavy weapons. A number of disarmament forays have been carried out on a limited scale, both in Mogadishu and in other locations within the designated sectors. It should be noted that the area under UNITAF control comprises only 40 per cent of the country's territory. No systematic attempt has been made to establish a secure environment outside this area.

C. *Mechanisms for coordination*

7. The following mechanisms for coordination have been established:

(*a*) At United Nations Headquarters:

(i) A policy group[1] on Somalia is chaired by the Secretary-General and meets regularly with senior representatives of the United States Government. It reviews the progress of the operation, composition of the Force, funding and planning for the future role of UNOSOM;

(ii) An operational task force (chaired by the Under-Secretary-General for Peace-keeping Operations), comprising representatives from the Secretariat departments concerned and representatives of the United States, meets weekly;

(iii) A liaison team composed of United States officers has been attached to the Department of Peace-keeping Operations since early January;

(iv) A UNOSOM planning team is now in place in the Department of Peace-keeping Operations.

(*b*) At UNOSOM headquarters, Mogadishu, the UNOSOM Force Commander and the Commander of UNITAF are working closely in order to ensure coordination of the activities of the two Forces. Much of the detailed planning of the transition will take place in Mogadishu and, as already noted, UNOSOM headquarters is being strengthened for this purpose. A UNOSOM liaison staff has been working with UNITAF headquarters.

8. Several of the Member States that are cooperating with the United States in UNITAF have asked to be consulted on the current operations of the Force and progress on planning for the transition. I have initiated regular meetings to which all States participating in the Force are invited.

D. *Continued efforts to achieve a political settlement*

9. In addition to my endeavours regarding the cessation of hostilities and the observance of the cease-fire as well as the imperative need to provide humanitarian assistance to the people of Somalia, I have, in accordance with the mandate given to me by the Security Council, continued to promote efforts for national reconciliation and unity in the country, in cooperation with regional organizations, the League of Arab States (LAS), the Organization of African Unity (OAU) and the Organization of the Islamic Conference (OIC).

10. In my last report [*S/25168*], I informed the Security Council about the outcome of the informal preparatory meeting for a Conference on National Reconciliation and Unity in Somalia, which I convened at the headquarters of the Economic Commission for Africa in Addis Ababa (4-15 January 1993). I noted in particular that the following three agreements were concluded and signed at the meeting:

(*a*) General Agreement of 8 January 1993;

(*b*) Agreement on implementing the cease-fire and modalities of disarmament (Supplement to the General Agreement);

(*c*) Agreement on the establishment of an ad hoc committee to help to resolve the criteria for participation in, and the agenda for, the national reconciliation conference, as well as other issues pending from the informal meeting.

11. I also reported that, as stipulated in the last agreement, the first meeting of the Ad Hoc Committee was scheduled to be held in Addis Ababa on 22 January 1993 to submit recommendations to the meeting of the whole before 1 March 1993 on the criteria for participation in the national reconciliation conference. Regrettably, the Committee was unable to meet because the Somali National Alliance (SNA) refused to participate, alleging that the Somali National Front (SNF) and the Somali Patriotic Front (SPF) had violated the cease-fire agreement by attacking its forces in and around Kismayo.

12. A further meeting of the Ad Hoc Committee, scheduled for the beginning of February in Mogadishu, could not be convened because of the position taken by SNA that its representatives would not attend as long as SNF and Somali Patriotic Movement (SPM) forces continued to violate the cease-fire around Kismayo. As a result, the broad agreement reached in consultation with the individual Committee members on the agenda, the rules of procedure and the list of international observers to be invited to the conference could not be formally endorsed by the Committee.

13. Subsequent consultations with SNA on the criteria for participation in the conference have helped to clear the way for convening a formal meeting of the Ad Hoc Committee. SNA has agreed not to insist on the exclusion of the smaller parties from participation in the conference. It was also agreed that the participants should include politicians, community leaders, women and military representatives of the warring parties.

14. The only aspect of participation which has yet to be resolved is the size of the respective delegations of the parties. The parties have requested the United Nations to devise a formula for a fair allocation of delegates to each party.

15. Following these encouraging developments, my Special Representative issued invitations to the parties to attend a formal meeting of the Ad Hoc Committee in Mogadishu. The Committee held its first formal meeting on 23 February 1993 and completed its work when it resumed its meeting on 27 February following three days of interruption owing to rioting and fighting in Mogadishu (24-26 February). All Committee members, except the Somali National Democratic Union (SNDU), were represented at the meeting. In addition to the United Nations, representatives of the Horn of Africa Committee and of the Movement of Non-Aligned Countries were also present at the meeting.

16. On the first day of the meeting, the Committee adopted a report on participation, the draft agenda and procedures for reaching decisions. When the meeting resumed on 27 February, SNA submitted written reservations, notably on the criteria for participation. The Committee agreed to circulate immediately its report to all political movements since time constraints would not allow the reconvening of the informal preparatory meeting of the whole at which it was expected to submit its report.

17. The progress achieved by the Committee has cleared the way for proceeding with arrangements for a meeting on national reconciliation. It is my intention to invite a broad cross-section of Somalis, representing political movements, community, religious and women's groups, civic and non-governmental organizations (NGOs) as well as elders and eminent persons to a national reconciliation conference, to be held in Addis Ababa from 15 to 19 March 1993. The categories of participants have been agreed to by the Ad Hoc Committee. In addition to national reconciliation, the meeting will also consider organizational matters.

18. I have stressed that my efforts and those of my Special Representative will continue to give high priority to national reconciliation in Somalia in accordance with the mandate given to me by the Security Council. UNOSOM will therefore continue to promote and facilitate dialogue and communication between the various Somali parties, movements and factions in order to help to keep lines of communication open between them and to promote confidence-building measures so essential to the success of the efforts deployed for national reconciliation.

II. HUMANITARIAN ACTIVITIES

19. As mentioned in my progress report of 26 January 1993, the deployment of UNITAF forces has facilitated the flow of food and other emergency relief supplies into the neediest areas of Somalia at a quickly increased rate. The level of malnutrition and death from starvation has fallen dramatically in many areas.

20. At the same time, it must be borne in mind that the delivery of humanitarian assistance is bound to be affected by the security situation, which has tended to vary at times from week to week and from region to region, even though during the early period of the deployment of UNITAF the security situation had improved. Many of the "technical" vehicles were reported to have been withdrawn or placed in cantonment and large-scale looting decreased substantially. Commercial and market activities appeared to be picking up and some schools were reopened. Agricultural activities have been on the increase. However, in recent weeks the security situation has deteriorated.

21. As of the time of writing of the present report, the situation in many parts of the country remains complex and tense. Especially in rural areas and along Somalia's borders with Ethiopia and Kenya, security conditions remain unstable. The murders in January and February 1993 of United Nations Children's Fund (UNICEF), International Committee of the Red Cross (ICRC) and other relief workers highlight the extreme fragility of the security situation in spite of the presence of large numbers of military forces. This also highlights again the importance of a secure environment for the effective delivery of emergency relief and rehabilitation assistance.

22. It is in this context that the United Nations, in close cooperation with relevant organizations of the United Nations system and international NGOs as well as Somali representatives, is in the process of preparing a relief and rehabilitation programme for 1993.

23. The needs of Somalia are immense and urgent. In the southern and central parts of the country, large numbers of people remain destitute and totally dependent on relief food assistance. Measles, diarrhoea and other infections continue to take a heavy toll, particularly on small children. Lack of access to clean water sources and poor sanitation present major health threats. With the present security arrangements enabling areas hitherto inaccessible to be reached, some for the first time in many months, it has been confirmed that increased and expanded emergency programmes will be needed through most - if not all - of 1993.

24. It has become apparent that a substantial portion of Somalis are ready to rebuild their lives and their society. The first steps towards recovery and normalcy must be rapidly and judiciously supported to prevent further social and economic deterioration or a lapse into a new cycle of internecine killing and brutality.

25. Two major challenges in 1993 will be to facilitate the voluntary return of approximately 300,000 refugees, according to figures provided by Office of the United Nations High Commissioner for Refugees (UNHCR), and internally displaced persons as well as providing jobs and work for the many millions of Somalis who are presently unemployed. Among these groups are the many thousands of crews of "technicals", armed gangs, militias and private armies of the various factions. While channelling these people into lawful pursuits may be difficult, the creation of work through large-scale labour forces carrying out activities such as road repairs, canal clearing and sanitation is essential if Somalia is ever to become stable. Alongside such endeavours, vocational training programmes and adult literacy courses must also be explored.

26. As regards refugees and displaced persons, some have already spontaneously returned to their home areas in recent months. These groups will need assistance to return to agricultural and/or livestock pursuits. However, many refugees and displaced people have indicated they are not yet willing to return home because of uncertain security in their areas of origin. These groups require continued relief assistance. For others who have lost their homes and their land, or where other families now occupy these areas, new alternative sites must be found. Given the current situation on the borders with Ethiopia and Kenya and political pressures for the Somali refugees to return to their own country, it is also imperative that contingency plans and stocks of household goods, food and other commodities are in hand to cope with sudden mass influxes back to Somalia.

27. A third major challenge concerns national capacity-building. National and regional Somali institutions and civil administration have virtually ceased to exist. None the less there remains considerable institutional memory and expertise on the part of former civil servants and local leaders. Programmes planned in 1993 must utilize these resources to the fullest extent possible, particularly in the consultative process of project identification and subsequent implementation. Somali women have assumed a stronger economic and political role as a result of civil strife. This trend will be encouraged in 1993 through the close involvement of Somali women's groups in both the planning and the delivery of assistance.

28. Countrywide, Somalis are calling for assistance in re-establishing education facilities. Most youngsters have no access to schools and the education of former students in the 15-25 age group has been totally disrupted. For want of alternatives, many of them have joined the bands of armed gangs roaming the streets and the countryside. The reopening of schools countrywide will be of vital importance to the process of returning to peace and stability.

29. The 100-day accelerated and expanded programme of assistance for Somalia, which ended on 19 January 1993, was launched at the height of the crisis in 1992 at a time when the focus was rightly on saving lives. At the Addis Ababa follow-up conference on the 100-day programme in early December 1992, participants agreed that efforts in 1993 should focus on beginning to return Somalia to normalcy. While the present relief and recovery programme for 1993 recognizes the need

for continued large-scale relief assistance, it has been designed to go beyond the ongoing relief effort to pave the way for large-scale rehabilitation and reconstruction.

30. The cost of restoring Somalia as a nation and society will be enormous. It will take many years even to reach pre-war levels. As prospects for peace and stability improve, the international community will undoubtedly be called upon to assist the people of Somalia in supporting long-term national reconstruction and development. In the interim, much can be done immediately through the joint efforts of the international community and the Somali people. A main objective of the 1993 programme is thus to set the stage for such initiatives by enhancing the absorptive capacity of Somalia's human and institutional resources.

31. Underlying the programming process is a sectoral core group structure to assess needs and devise projects for the 1993 programme. Ten core groups, comprising representatives of local and international NGOs, Somali organizations, donor Governments, ICRC and United Nations agencies, have been formed to cover the following priority sectors: health, water, food, security, nutrition, sanitation, employment, administrative rehabilitation, police forces, agriculture and livestock. These core groups will serve as the focal points for sectoral monitoring and reviews, leading to periodic updates. Simultaneously with this process, a regional input was sought through the established relief communities in the nine regional centres in the southern and central parts of the country. Inputs from the north-east and the north-west, primarily for rehabilitation, are put together through the UNOSOM regional offices in those areas. Their inputs have also been reflected in the present document.

32. A United Nations Conference on Humanitarian Assistance for Somalia will be held in Addis Ababa in March 1993 to review the relief and rehabilitation programme and receive pledges from donors. The active involvement of a wide spectrum of Somalis is indispensable to the effective implementation of the programme. Every effort will therefore be made to achieve broad Somali participation in the conference. A positive outcome of the humanitarian conference could provide added incentives for the national reconciliation process.

33. In order to ensure the effective implementation of the programme, particularly the coordination of relief efforts and the smooth transition from relief to rehabilitation, the United Nations Coordinator for Humanitarian Assistance for Somalia will be provided in the context of UNOSOM II with the necessary support in order to enable him to discharge his responsibilities.

Mine-clearance

34. The mine-clearance problems facing Somalia have not yet been seriously addressed. According to a report issued by Physicians for Human Rights, an NGO, much of northern Somalia remains contaminated by mines. Most of the mines lie scattered across pastoral lands or hidden near wells or water holes. Others have been laid on secondary roads or in former military installations. They are considered to be more prevalent in the countryside surrounding two of Somalia's principal cities, Hargeisa and Burao, and in the pastoral and agricultural lands west of Burao. The victims of the mines have been mainly civilians, of whom many are women and children.

35. No estimate has been made of the total number of mines laid, but some relief agencies have reported that many hundreds of thousands may still be in the ground. Some of these are in minefields, but many have been used as weapons of terror for denying access to homes, villages and water. There are an estimated 1,200 kilometres of roads to be demined in the Hargeisa area alone.

36. Some limited mine clearance has been undertaken by the Somali National Movement (SNM) when it reoccupied northern Somalia but out of its team of 60, some 40 per cent became mine casualties. A United Kingdom company, RIMFIRE, has been operating under contract from Médecins sans Frontières and UNHCR. It is reported that it has lifted some 25,000 mines in the Hargeisa area and enabled the repopulation of the town. This has probably only scratched the surface of the problem.

37. The UNOSOM military component will not have clearance of minefields as a mission objective although some clearance effort will be needed if any logistic base is set up in the Hargeisa region, because the airport area is still mined. There may well be a requirement for route clearance since mines may be used in a harassing role by some of the factions.

38. The humanitarian relief efforts will be more severely hampered, especially when they spread into the north. The humanitarian problems will become acute when large-scale attempts are made to rehabilitate the land and re-establish the rural economy. Much of the grazing land used by nomadic tribesmen will be unusable, and villages for returning refugees will require complete clearing before they can be restored to use.

39. It will therefore be necessary to establish a coherent and integrated programme for the removal of mines in Somalia. As a start, it is my intention to send the United Nations demining team of experts to Somalia to establish the extent of the problem. Following this visit, a mine-clearing plan should be drawn up, using the models at present in use or being built up in Afghanistan, Cambodia and Mozambique. The main components of the plan will include a proper minefield survey and extended contract mine clearance. If it becomes clear that the mines number millions rather than thousands, a mine-clearance training facility will have to be established, and a force of Somali mine clearers will have to be trained, as in Cambodia, to undertake the major part of the mine-clearance task, in a plan lasting years rather than months.

40. In a separate programme, a mine awareness programme will have to be established among refugees and displaced persons and known mined areas will have to be fenced or marked off to prevent nomadic tribesmen from using mined areas for grazing.

III. POLITICAL RECONCILIATION

41. Ultimately, all the efforts being undertaken by the United Nations in Somalia are directed towards one central goal: to assist the people of Somalia to create and maintain order and new institutions for their own governance. The absence of a central Government has aggravated the social, economic and political difficulties in the country. In fact, the non-existence of a Government in Somalia is one of the main reasons for the now more robust role of the Organization in the country.

42. Various avenues have been actively explored to enhance Somalia's capability to govern itself. In this connection, my Special Representative and other senior officials have been consulting with elders, leaders, warring factions and women's professional groups on how best to create a broad-based Government.

43. My Special Representative and I have encountered difficulties in our efforts aimed at promoting national reconciliation in Somalia. National reconciliation is a difficult process in the best of circumstances; it is particularly difficult in Somalia because of the multiplicity of parties, factions and other leaders and the total absence of law and order in all parts of the country. The primary initiative for national reconciliation must be left to the Somalis themselves. While this may be the ideal approach, the experience thus far has clearly shown the need for the United Nations to be given a broader mandate, not only in organizing, but also in promoting and advancing, the cause of national reconciliation.

44. As reported to the Security Council in my progress report of 26 January 1993 [*S/25168*], I convened an informal preparatory meeting for a Conference on National Reconciliation and Unity in Addis Ababa on 4 January 1993. The participants reached agreement on three major documents (see para. 10 above).

45. As indicated in paragraph 32 above, a United Nations Conference on Humanitarian Assistance for Somalia is to be held at Addis Ababa from 11 to 13 March 1993, to be followed immediately by the Conference on National Reconciliation and Unity. These meetings are expected to provide an opportunity for all segments of Somali society, including the political factions, movements, community leaders, women, intellectuals and others to meet under one roof and discuss the problems of political reconciliation, humanitarian assistance as well as programmes for viable rehabilitation and reconstruction.

IV. ESTABLISHMENT OF A SOMALI POLICE FORCE

46. I had indicated in my previous reports to the Council [*S/24992, para. 30 and S/25168, para. 23*] that I considered the establishment of a Somali police force as a crucial step in the efforts of UNITAF and UNOSOM to create a secure environment in Somalia. With that in mind, I had sent an expert team which, under the guidance of my Special Representative, would prepare a plan for the establishment of a neutral police force in Somalia.

47. The team was requested to study the feasibility of establishing such a national police force, make recommendations and develop a strategy for implementation.

48. The expert team was also requested to outline the appropriate modalities for training Somali personnel in the maintenance of law and order as well as the discharge of police responsibilities, while adhering to internationally accepted principles and practices for the protection of human rights.

49. As mentioned in paragraph 23 of my report of 26 January 1993, UNITAF, under its supervision and in close consultation with my Special Representative, has now constituted an interim auxiliary force composed of former police officers. This auxiliary force will, as a temporary arrangement, oversee road traffic control and undertake the protection of feeding centres, thus relieving United Nations agencies and NGOs from the dependency on locally hired guards and freeing UNOSOM soldiers for more demanding and urgent tasks. I have requested the expert team to study the arrangements established for the auxiliary force with a view eventually to integrating some of its elements into a new civilian police force.

50. Bearing the above in mind, I consider it a matter of expediency to include an international civilian police component in the future UNOSOM II, but would refrain from making any specific recommendations at this time pending the receipt of the expert team's recommendations. I will therefore shortly bring to the attention of the Council a more detailed assessment on the establishment of this civilian police force.

V. PUBLIC INFORMATION ACTIVITIES

51. To support the execution of the new mandate for UNOSOM II, an intensive and expanded information campaign will be required. Transitional arrangements from UNITAF to UNOSOM II will have to be conveyed to the general public. The new mandate under which UNOSOM II will be operating must be translated into vernacular languages and broadcast at large. In addition and as the political climate changes, new information inputs will have to be designed in order to support every aspect of the operation and stimulate a stable social climate. It is also my intention to use public information activities in Somalia as an educational tool to strengthen the peace process, human rights and overall productive economic integration.

52. The information component in UNOSOM II will absorb themes developed on a day-to-day basis from the different highlights of the United Nations presence in Somalia such as transitional arrangements, cease-fire observances, disarmament, demobilization of armed groups, training of civilian police, refugee resettlement, safety, health and hygiene, just to mention the most important. The collaboration of United Nations specialized agencies and programmes will be sought in the elaboration of some of these broadcast elements.

53. The Department of Public Information of the United Nations Secretariat has secured an agreement with Radio Cairo as of 15 January 1993, by which Radio Cairo's External Services Network translates and broadcasts in Somalia United Nations-produced material. This arrangement is expected to be in place for approximately three months, after which time the United Nations will be in a position to evaluate the service in the light of internal developments and the evolving requirements of the UNOSOM II information programme. Similar arrangements with radio stations in the neighbouring countries will be explored. In the meantime the United Nations is arranging the modalities for UNOSOM II to assume responsibility for the operation of a daily newspaper and a radio station, which are currently managed by the United States under UNITAF.

VI. THE MODALITIES FOR TRANSITION FROM UNITAF TO UNOSOM II

The present situation

54. The Security Council, acting under Chapter VII of the Charter of the United Nations, had authorized the Secretary-General and certain Member States to establish as soon as possible a secure environment for humanitarian relief operations in Somalia.

55. There is no doubt that the presence and operations of UNITAF have had, especially during the initial period of its deployment, a positive impact on the security situation in Somalia and on the effective delivery of humanitarian assistance. However, as indicated in paragraphs 19 and 20 above, this improvement cannot yet be regarded as irreversible and conditions are still volatile. The security threat to personnel of the United Nations and its agencies, UNITAF, ICRC and NGOs is still high in some areas of the city of Mogadishu and other places in Somalia. As mentioned above, UNITAF has deployed only in the central and southern parts of the country. Disarmament is far from complete.

The new mandate

56. The Council will now have to consider whether to authorize an enlargement of UNOSOM and redefine its mandate to include operations under Chapter VII of the Charter. The consequence of such a decision would be far-reaching for political, legal and logistical reasons and would entail a major financial commitment. The view which I have conveyed to the Security Council during the last two months is still current and valid: without improved security all over the country the political process cannot prosper and humanitarian operations will remain vulnerable to disruption. I have, therefore, devoted a great deal of my efforts to ensure that parallel steps are taken: cease-fire and reconciliation mechanisms, disarmament and creation of a civilian police force, rehabilitation alongside political dialogue. I have insisted with all the factions and elders that it is up to them to change the course of violence towards peace and I have assured them that the international community stands ready to support their efforts in this direction.

57. My firm view, as stated in my letter to President Bush of 8 December 1992, remains that the mandate of UNOSOM II must cover

the whole territory of Somalia and include disarmament. Moreover, as indicated in my report of 19 December 1992 [*S/24992*], UNOSOM II's mandate will include the following military tasks:

(*a*) To monitor that all factions continue to respect the cessation of hostilities and other agreements to which they have agreed, particularly the Addis Ababa agreements of January 1993;

(*b*) To prevent any resumption of violence and, if necessary, take appropriate action against any faction that violates or threatens to violate the cessation of hostilities;

(*c*) To maintain control of the heavy weapons of the organized factions which will have been brought under international control pending their eventual destruction or transfer to a newly constituted national army;

(*d*) To seize the small arms of all unauthorized armed elements and to assist in the registration and security of such arms;

(*e*) To secure or maintain security at all ports, airports and lines of communications required for the delivery of humanitarian assistance;

(*f*) To protect, as required, the personnel, installations and equipment of United Nations and its agencies, ICRC as well as NGOs and to take such forceful action as may be required to neutralize armed elements that attack, or threaten to attack, such facilities and personnel, pending the establishment of a new Somali police force which can assume this responsibility;

(*g*) To continue the programme for mine-clearing in the most afflicted areas;

(*h*) To assist in the repatriation of refugees and displaced persons within Somalia;

(*i*) To carry out such other functions as may be authorized by the Security Council.

58. It is clear to me that the effort undertaken by UNITAF to establish a secure environment in Somalia is far from complete and in any case has not attempted to address the situation throughout all of Somalia. Moreover, there have been, especially recently, some disheartening reverses. Accordingly, the threat to international peace and security which the Security Council ascertained in the third preambular paragraph of resolution 794 (1992) is still in existence. Consequently UNOSOM II will not be able to implement the above mandate unless it is endowed with enforcement powers under Chapter VII of the Charter.

Cease-fire and disarmament concept

59. In my report of 26 January 1993 [*S/25168*], I informed the Council of the agreements reached at the informal preparatory meeting for a Conference on National Reconciliation and Unity, held at Addis Ababa from 4 to 15 January 1993. The Agreement on implementing the cease-fire and on modalities of disarmament, contained in annex III to that report, provides for its entry into force on 15 January 1993. Paragraph 1.2 stipulates that the militias of all political movements shall be encamped and disarmed simultaneously throughout Somalia and that the international community "will be requested to provide the encamped militias with upkeep". Paragraph 1.3 requires that the future of the encamped militias shall be decided at the time of the final political settlement in Somalia.

60. On the basis of the Addis Ababa agreements, a combined planning committee composed of senior officers from both UNITAF and UNOSOM has developed a Somalia cease-fire disarmament concept.

61. Under this concept, the disarmament process would be continuous and irreversible. It would continue as long as required or until a Somali Government was functioning effectively. A standardized and simple process would be used to disarm all factions. Once a faction had committed itself to disarmament by placing its heavy weapons in cantonment sites or relinquishing its small arms at a transition site, it would not be entitled to reclaim those weapons.

62. Throughout the process, it would be useful to keep the major faction leaders informed about progress in disarming all the factions. This would place political pressure on factions that seek to delay or fail to comply with the disarmament process and would provide a sense of security for the factions complying with that process.

63. To be effective the disarmament process should be enforceable. Those factions or personnel who fail to comply with timetables or other modalities of the process would have their weapons and equipment confiscated and/or destroyed.

64. As called for in the Addis Ababa agreements, both the cease-fire and the disarmament process should be carried out under modalities agreed to by the Somalis themselves under the supervision and with the cooperation of UNOSOM II.

65. The concept outlined above would require the establishment of cantonment and transition sites. A cantonment is defined as a location where heavy weapons, including all crew-served weapons and anti-armour weapons/rockets, would be stored. A transition site is defined as a location where factional forces would be given temporary accommodation while they turned in their small arms, registered for future governmental and non-governmental support and received guidance and training for their eventual reintegration in civilian life.

66. Cantonment sites should be designated in the vicinity of current force locations. Transition sites should be selected by the United Nations after consultation with the Somali factions. Cantonment and transition sites should be separated from each other to prevent any temptation by factions or groups to seize the heavy weapons.

67. A committee composed of United Nations and faction representatives should jointly determine those heavy weapons which would be an asset to a new Somali national army and which would be retained in the cantonments; the rest would be destroyed. The heavy weapons should be delivered to cantonment sites by faction personnel before they proceed to the transition sites. Cantonment site security would be the responsibility of UNOSOM II.

68. Some personnel in the transition sites should be allowed to retain a limited number of small arms for security purposes. Accommodation in the new sites should be temporary, pending relocation and reintegration in civilian society. The transition sites should at all times be open for verification by UNOSOM. Limited assistance would be offered by the United Nations in transporting faction personnel to the transition sites. Transition sites within each region/geographical area would be occupied simultaneously, in order to provide a sense of security for all participants.

69. The operational concept outlined above is based on the assumption that UNOSOM will assist in implementing the Addis Ababa agreements. Both UNITAF and my staff are aware of the administrative and financial problems that will arise in the storage of heavy weapons and in the accommodation and upkeep of demobilized militias for an indeterminate period of time. I consider however that alternative methods, such as material or financial incentives for disarmament, should be considered an option to be kept under review in the light of the experience that will be gathered in this process.

Military concept of operations

70. The strength of the forces required to implement such a mandate would have to be substantial in the early stage in order to minimize the risk of any deterioration in the security conditions and to ensure a secure environment as quickly as possible both in those areas covered by UNITAF and in those that are not. It could be reduced progressively as the political process advances and the new police force becomes operational.

71. It is estimated that it would be necessary to deploy a military component of 20,000, all ranks, to carry out the assigned tasks and an additional 8,000 personnel to provide the logistic support required. The logistic contingent, the bulk of which would initially come from UNITAF, will constitute an integral part of UNOSOM. I have also received an understanding from the United States Government that a tactical quick reaction force would be available in support of the Force Commander of UNOSOM II; a memorandum of understanding will be concluded between the United States and UNOSOM during the transfer phase.

72. To put the proposed strength in perspective, it is useful to bear in mind that UNITAF, with an initial strength of 37,000, is deployed in 40 per cent of the territory. It might be asked why in that case the recommendation is for a total military component of only 28,000 for deployment in the entire territory of Somalia.

73. At the beginning of the operation, UNITAF introduced into the theatre a large force of approximately 37,000, including approximately 8,000 at sea, in order to break down resistance and take control of the situation. Once this was done and organized fighting with heavy weapons had largely ceased, the requirements were scaled down. At present there are approximately 28,400 UNITAF forces ashore, including heavy construction forces. The task at hand now is to control sporadic and localized fighting and can therefore be dealt with by fewer troops. Secondly, intelligence-gathering capabilities that have been developed on the ground will give UNOSOM warning of violent situations developing and allow the Force Commander to readjust his troop deployment. Thirdly, it is believed that the establishment of an auxiliary police force should help in improving law and order and in releasing UNOSOM soldiers from guard duties for other more demanding tasks. Lastly, a tactical quick reaction force will be available at the request of the Force Commander.

74. In the light of the above, I am prepared to accept the above-mentioned recommendations at this stage, given the need for maximum economy and efficiency and my constant endeavour to keep the size of the United Nations presence in any situation to the minimum. However, I should like to emphasize that I must reserve my right to revert to the Council in case I feel the need for additional troops to increase the strength of UNOSOM II, depending on the progress made in establishing a secure environment throughout the country. In conclusion I must point out that the security conditions in Somalia might compel me periodically to review the troop strength required to implement the mandate of UNOSOM II.

75. The force mentioned in paragraph 71 above will include:

(*a*) A Force headquarters;

(*b*) Five brigades;

(*c*) A logistic support group.

76. The logistic support group would, in the first and second phases, be provided mainly by the UNITAF logistics forces, until UNOSOM II can establish the necessary logistic support through organic forces or by contract. I would like to stress however that the ability of UNOSOM to carry out its mandate will depend on critical logistical and other support from the United States, including a tactical quick reaction force.

77. The combat forces would need the following capabilities:

(*a*) Patrolling and close-combat;

(*b*) Information-gathering and interpretation;

(*c*) Indirect fire;

(*d*) Anti-armour fire;

(*e*) All-weather night and day operations;

(*f*) Casualty evacuation;

(*g*) Tactical communications;

(*h*) Air support (fire power and transport).

78. The UNOSOM Force Commander would report directly to my Special Representative. Areas of operations would be allocated to brigade commanders who would report directly to the UNOSOM II Force Commander. These commanders would be responsible for conducting military operations and assisting in the implementation of cease-fire/disarmament agreements in their respective areas of operations. A tactical quick reaction force of at least battalion strength to be provided by the United States will be available in support of UNOSOM II.

79. UNOSOM military operations would be conducted in four phases:

Phase I - Transition from UNITAF;

Phase II - Consolidation and expansion of security;

Phase III - Transfer to civilian institutions;

Phase IV - Redeployment.

These phases are not meant to be applied rigidly or uniformly throughout Somalia, but merely describe a general sequence. For example, some areas of operations might be implementing phase III while in another area phase I or II would still be in effect. The exact timing of transition from phase to phase would be determined to a large extent by political reconciliation efforts and rehabilitation programmes. The Force Commander may shift forces within country to meet these changing requirements.

Phase I

80. In this phase, military operations would concentrate on the transition of operational control from UNITAF to UNOSOM II. Military support to relief activity and the disarming of factions would continue throughout the transition.

81. Prior to the formal assumption by UNOSOM II Force Commander of operational responsibility from UNITAF, certain preparatory steps would be required. The expansion of UNOSOM II Force headquarters would have to continue until it is operationally capable. UNITAF would have to ensure that subordinate elements that would remain in Somalia under UNOSOM II are given appropriate command and control structures. The United States Government would be asked to form a tactical quick reaction force to support UNOSOM II's Force Commander.

82. Upon receipt of a joint recommendation by the Commander of UNITAF and the UNOSOM II Force Commander, I would approve the assumption by UNOSOM II of operational responsibility for the unit or units concerned. At the appropriate stage the UNOSOM II Force Commander would also take over the logistic support forces previously controlled by UNITAF. In all phases, the United States tactical quick reaction force would be placed in support of the UNOSOM II Force Commander.

83. When the UNOSOM II Force Commander has assumed operational responsibility within an area of operation, UNITAF personnel in that area of operation will be redeployed to their countries of origin at the discretion of their Government(s) and under the protection of UNOSOM II troops.

84. This phase would be complete when all UNITAF forces participating in UNOSOM, as well as other forces provided by other troop-contributing countries, have been placed under operational control of the UNOSOM II Force Commander.

Phase II

85. Military operations in phase II would be designed to consolidate United Nations operational control over all assigned elements and designated activity. Continued efforts to assist relief activity and participate in the implementation of the Addis Ababa agreements would involve all military forces. Operations would be extended into northern Somalia, based on the port cities of Berbera and Bossasso, and moving to Hargeisa and Garoe. UNOSOM II military forces would assist any new humanitarian initiatives started in this region, particularly mine-clearance projects as addressed above. Phase II would conclude when UNOSOM II is deployed and operating effectively throughout Somalia and the border regions.

Phase III

86. In this period, major efforts would be made to reduce military activity and assist civil authorities to exercise greater responsibility, according to their ability to do so. National rehabilitation and reconciliation initiatives under Somali leadership would be encouraged and supported by United Nations representatives. Military presence might be scaled down in the more stable areas and the tempo of military operations reduced as circumstances allow. Phase III would end when a Somali national police force is operational and major United Nations military operations are no longer required.

Phase IV

87. At an appropriate stage, I would make a recommendation to the Council to redeploy or reduce the forces.

Rules of engagement

88. The rules of engagement would be defined by the UNOSOM II Force Commander. They would authorize and direct commanders to take certain specific actions if they are judged necessary to fulfil the mandate.

VII. FINANCIAL ASPECTS

89. The concept outlined in the present report would require a substantial input of financial resources. I shall circulate shortly an addendum to the present report that will contain the preliminary cost estimate for UNOSOM II for a period of 12 months. Overall operations will require 20,000 military personnel of all ranks plus 8,000 logistical support staff, as well as a considerably strengthened civilian staff of approximately 2,800 individuals. It would be my recommendation to the General Assembly, should the Security Council agree to the deployment of UNOSOM II, that the cost relating thereto should be considered as an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter and that the assessment to be levied on Member States should be credited to a special account to be established for this purpose. It would further be my intention to maintain the United Nations fund for operations in Somalia authorized by paragraph 11 of Security Council resolution 794 (1992). I appeal to all Member States that are in a position to do so to contribute generously to that fund. Such voluntary contributions would reduce the burden that Member States would have to bear under the assessment scheme. With this in mind, I intend to send emissaries to certain heads of State or Government to explain the operations and to encourage them to make generous donations to the fund.

VIII. OBSERVATIONS

90. As the members of the Council are aware, the mission of UNITAF was originally envisaged as a short-term police action. I believe that UNITAF has made an important contribution in the international effort to stop the lawlessness and disarm the warring factions in its area of operations. However, events in Kismayo and Mogadishu during the week of 21 February 1993 have demonstrated the volatile situation that still exists. They underscore the fact, which I have indicated in the present report, that a secure environment has not yet been established. Moreover, there has been no deployment of UNITAF or UNOSOM troops to the north-east and north-west, or along the Kenyan-Somali border, where security is a matter of grave concern. I believe, therefore, that, if the Council determines that the time has come to move to another stage in its operations in Somalia, it should be prepared to ensure that UNOSOM II is fully in a position to carry out its tasks.

91. The mandate of UNOSOM II, as conceived in the present report, would confer authority for appropriate action, including enforcement action as necessary, to establish throughout Somalia a secure environment for humanitarian assistance. To that end, UNOSOM II would seek to complete, through disarmament and reconciliation, the task begun by UNITAF for the restoration of peace, stability, law and order. The mandate would also empower UNOSOM II to provide assistance to the Somali people in rebuilding their shattered economy and social and political life, re-establishing the country's institutional structure, achieving national political reconciliation, re-creating a Somali State based on democratic governance and rehabilitating the country's economy and infrastructure.

92. Notwithstanding the compelling necessity for authority to use enforcement measures as appropriate, I continue to hold to my conviction that the political will to achieve security, reconciliation and peace must spring from the Somalis themselves. Even if it is authorized to resort to forceful action in certain circumstances, UNOSOM II cannot and must not be expected to substitute itself for the Somali people. Nor can or should it use its authority to impose one or another system of governmental organization. It may and should, however, be in a position to press for the observance of United Nations standards of human rights and justice.

93. UNOSOM II will continue to assist the factions in completing the total disarmament and demobilization process called for in the Addis Ababa agreements, to ensure that a secure environment is established on a country-wide basis, and to monitor the strict observance of the cease-fire.

94. A secure environment continues to be essential for the effective delivery of humanitarian assistance and for the reconstruction of the country. The deployment of UNITAF forces has permitted a substantial increase in the delivery of humanitarian assistance and opened up access to more remote areas. Emergency relief assistance will continue to be required throughout 1993. There is also an urgent need for the international community to accelerate its efforts to assist the Somalis to

rebuild their society, rehabilitate the decayed infrastructure and pave the way for a secure return of all refugees. To achieve these objectives, the United Nations is putting together a humanitarian programme for 1993 with the active participation of the Somalis, United Nations organizations, ICRC and NGOs. I look forward to the support of donors for this programme at the United Nations Conference on Humanitarian Assistance for Somalia to be convened in Addis Ababa from 11 to 13 March 1993.

95. There must be a smooth transition from UNITAF to UNOSOM II without any hiatus that could be exploited by factions or gangs. UNOSOM II will need to have sufficient troops and logistic support elements deployed in Somalia to take over seamlessly from UNITAF in each area from which it withdraws and to deploy troops in the north and along the boundary with Kenya. This transition will have to be effected progressively, area by area, when adequate troops, command and control and logistics are available to UNOSOM II in a given area.

96. A number of the Member States that are cooperating with the United States in UNITAF have expressed willingness to have their contingents serve eventually in UNOSOM II. It is my intention, for obvious reasons of practical convenience and economy, to include in UNOSOM II as many contingents as possible that are already in Somalia serving under the command of UNITAF. Subject to the Security Council's approval in due course, and that of the contributing Governments concerned, arrangements would be coordinated for each such unit to pass on an appointed day from the operational command of UNITAF to that of the United Nations, as required by the phased transfer of responsibility referred to above. While it is difficult to determine when this transfer will be completed, for budgetary and administrative purposes, the formal date of transfer of command from UNITAF to UNOSOM II will be 1 May 1993.

97. One further point would need to be clarified in any Security Council resolution authorizing the deployment of UNOSOM II under the new mandate, namely that the deployment will be at the discretion of the Secretary-General, his Special Representative and the Force Commander acting under the authority of the Security Council. Such deployment would not be subject to the agreement of any local faction leaders. The deployment of UNOSOM II would have to cover the whole country, including its borders, both for the purpose of controlling the movement of refugees and to prevent the illicit introduction of arms into Somalia and to avoid destabilization of the neighbouring countries. Furthermore, Member States should be encouraged to monitor and report violations of the arms embargo established by the Security Council in its resolution 733 (1992), particularly those Member States that have ships operating off the coast of Somalia and the neighbouring countries of the Horn of Africa, namely Djibouti, Ethiopia and Kenya.

98. I am aware of the very delicate question of the secession proclamation in the north. However, as the mandate of UNOSOM covers the entire country, troops will be deployed in the north as well as in the south. Such an international presence should help the process of rehabilitation and delivery of international assistance. The deployment of UNOSOM to the north would not prejudice in any way the decision of the Somali people on their national future. I believe that the Somali political reconciliation process is broad enough to accommodate discussions and negotiations among all groups and factions.

99. With regard to political reconciliation, it is essential to maintain the momentum gained at Addis Ababa and convene a national reconciliation conference which could build on the results of the informal preparatory meeting of January 1993. This may be particularly important in view of the difficulties encountered in activating the Ad Hoc Committee established at Addis Ababa. It would also be desirable for such a conference to have broad participation by all Somali movements, factions, community leaders, women, intellectuals, etc. This would help to ensure that the validity and decisions of the conference would be recognized by the Somali public at large. I am also reassured by the tangible support extended to me by LAS, OAU and OIC, as well as the Movement of Non-Aligned Countries and the Horn of Africa Committee. Their assistance in the creation of the Somali trust fund and in our efforts to establish a rehabilitation programme as well as their contribution towards political reconciliation have been valuable.

100. It was the uniqueness of the situation in Somalia that led to the adoption of resolution 794 (1992) by the Security Council. While the emergency operation launched by the international community in the form of UNITAF has achieved, to a considerable extent, the immediate objective of making sure humanitarian assistance reaches the needy, I must emphasize that the unique features of the situation continue to prevail. There is still no effective functioning Government in the country. There is still no organized civilian police force. There is still no disciplined national armed force. As recent events have tragically demonstrated, the atmosphere of lawlessness and tension is far from being eliminated. I have repeatedly stated that my major concern has been with the existence of large amounts of armaments in the hands of the factions and guerrilla bands. The operations launched by UNITAF, especially in the past few weeks, have undoubtedly succeeded in getting some of these stocks of weaponry confiscated and destroyed. It is, however, obvious that we have only scratched the surface of the problem so far. Disarming the factions and placing their heavy weaponry under international control for eventual destruction or placement at the disposal of the new national army of Somalia is, in my view, the most urgent and pressing task for UNOSOM II.

101. UNOSOM II would be the first operation of its kind to be authorized by the international community. It would be an expression of the international community's determination not to remain a silent spectator to the sufferings of an entire people for no fault of their own. It would also be an answer of the international community to the universally shared concern that the situation in Somalia, though primarily of a domestic nature, could affect the peace and stability of the entire region of which Somalia forms an integral part, unless energetic and timely action is taken to avert a major humanitarian and security disaster. The task ahead would not be easy. UNOSOM II might frequently come under criticism for acts of omission or commission. It is also difficult to anticipate, with any degree of certainty, the duration of UNOSOM II'S mandate. None the less, I am satisfied that the recommendations I have made in the present report are a necessary, indeed inescapable response of the international community to the tragedy in Somalia.

102. As the mission of UNITAF nears completion, I wish to express my profound appreciation to the Government of the United States for its timely initiative in offering its assistance to the United Nations at a crucial stage of its operation in Somalia, and for the skill and efficiency with which UNITAF has carried out its mandate. I also wish to express my gratitude to all the other Governments that have contributed contingents to UNITAF, and to their soldiers for their dedicated service to this operation.

103. I wish to express my heartfelt gratitude to Mr. Kittani, my Special Representative, and to Brigadier-General Shaheen, the Force Commander, and the staff of UNOSOM, as well as the staff of ICRC and NGOs, for the devotion, skill and leadership that they have demonstrated, often in extremely trying circumstances, in the service of the United Nations in Somalia.

104. Lastly, I wish to express my sincere condolences to the Government of the United States upon the death of members of its contingent while serving with UNITAF in Somalia. I should also like to pay a heartfelt tribute to the staff members who died in the performance of their duties in Somalia as well as the members of the relief community, including those of UNICEF, ICRC and NGOs who sacrificed their lives while assisting the Somali people.

DOCUMENT S/25354/ADD.1

[*Original: English*]
[*11 March 1993*]

1. In paragraph 89 of my main report to the Security Council [*S/25354*], I indicated my intention to circulate an addendum to the report, which would contain the preliminary cost estimate for the United Nations Operation in Somalia (UNOSOM II) for a period of 12 months, should the Council decide to authorize an enlargement of UNOSOM and redefine its mandate.

2. The concept of the new mandate is outlined in paragraphs 56 to 58 of the main report.

3. It is estimated that the costs associated with the deployment of UNOSOM II whose overall operations would require 20,000 personnel of all ranks plus 8,000 logistical support staff, as well as civilian staff of approximately 2,800 individuals for a 12-month period would be $1,550 million. A breakdown of the estimated cost by main objects of expenditure is provided for information purposes in the annex hereto. The estimate does not take into consideration any unencumbered balance of appropriations that may exist from UNOSOM. The unencumbered balance is estimated at some $70 million at this time.

4. It would be my recommendation to the General Assembly that, should the Security Council agree to the enlargement of UNOSOM, the cost relating thereto should continue to be considered as an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations. I would further recommend to the Assembly that the assessment to be levied on Member States should be credited to the existing UNOSOM special account.

ANNEX

Twelve-month cost estimate for the enlargement of UNOSOM
(Thousands of United States dollars)

Objects of expenditure

1	Military component		
	(*a*)	Contingent personnel	598 550.0
	(*b*)	Other costs pertaining to contingents	237 450.0
2	Civilian police		8 900.0
3	Civilian staff costs, including travel to the mission area [a]		166 950.0
4	Premises, rental and maintenance		166 300.0
5	Vehicle operations		61 600.0
6	Air operations		179 990.0
7	Communications and other equipment		59 900.0
8	Miscellaneous supplies, services, freight and support costs		52 260.0
9	Mine clearance		18 100.0
	Total estimate (gross)		1 550 000.0

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[a] Provides for 2,545 international staff including locally recruited staff and 255 United Nations volunteers.

DOCUMENT S/25354/ADD.2

[*Original: English*]
[*22 March 1993*]

1. The cost of enlarging the United Nations Operation in Somalia for a period of 12 months was indicated in document S/25354/Add.1. The present addendum provides the cost estimate for the first six-month period from 1 May to 31 October 1993.

2. Should the Security Council decide to authorize an enlargement of UNOSOM and redefine its mandate and taking into account the existing equipment procured for UNOSOM, it is estimated that the cost for the first six months for UNOSOM II would be approximately $856.4 million. This amount does not take into consideration a projected unencumbered balance of appropriations, estimated at $70 million, that may exist from UNOSOM at 30 April 1993. The unencumbered balance will be utilized to partially fund start-up requirements for UNOSOM II.

3. The estimate in the present report is based on the information currently available on the operation in Somalia and includes $189.5 million for start-up costs consisting primarily of additional requirements for premises and accommodation, emplacement costs and transport, communication and miscellaneous equipment. A breakdown of the cost estimate for the first six months by main objects of expenditure is provided for information purposes in the annex hereto.

4. It would be my recommendation to the General Assembly that, should the Security Council agree to the enlargement of UNOSOM, the cost relating thereto should continue to be considered as an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations. I would further recommend to the Assembly that the assessment to be levied on Member States should be credited to the existing UNOSOM special account.

ANNEX

Six-month cost estimate for the United Nations Operation in Somalia (UNOSOM II)

(Thousands of United States dollars)

1. *Military component*

(*a*) *Contingent personnel* 320,022.0

Provides for standard troop cost reimbursement for up to 28,000 troops, rations emplacement of some 10,400 and rotation of up to 24,000 troops and recreational leave, welfare and daily allowance for troops.

(*b*) *Other costs pertaining to contingents* 117,000.0

Provides for claims pertaining to contingent-owned equipment and death and disability compensation.

2. *Civilian police* 9,246.0

Provides for subsistence allowance, equipment and supplies and travel costs pertaining to the training programme to establish an auxiliary police force in the Mogadishu area.

3. *Civilian staff costs* 57,231.0

Provides for the salaries of up to 2,545 international and local staff, common staff costs including mission subsistence allowance and other travel costs and for up to 255 United Nations volunteers.

4. *Premises, rental and maintenance* 122,445.0

Provides for the purchase of prefabricated housing units, infrastructure repairs throughout Somalia covering the repair of bridges, airport and harbour facilities, the rental of office and living accommodations, regular maintenance, repairs, renovations and alterations of premises under contractual arrangements as well as utility costs.

5. *Vehicle operations* 39,664.0

Provides for the purchase of commercial and military pattern vehicles including armoured personnel carriers, spare parts, repairs, maintenance, workshop equipment, petrol, oil, lubricants and vehicle insurance.

6. *Air operations* 91,120.0

Provides for the hire cost, preparation and insurance of 50 tactical helicopters. Also provides for the hire cost and for aviation fuel, lubricants, positioning and painting of aircraft as well as air crew subsistence allowance.

7. *Communications and other equipment* 48,215.0

Provides for communication equipment, spare parts, supplies, workshop and test equipment and other miscellaneous equipment including generators, electronic data-processing equipment, accommodation and office furniture, observation equipment, and the rental of satellite transponders.

8. *Miscellaneous supplies, services, freight and support costs* 39,362.0

Provides for electrical supplies and office, medical, field defence stores and quartermaster and general stores. Also provides for contractual, audit and medical treatment services, air and surface freight and support costs.

9. *Mine clearance* 12,050.0

Provides for equipment, supplies, technical expertise and the rental of training facilities.

Total estimate 856,355.0

DOCUMENT S/25355

Letter dated 28 February 1993 from the representative of Rwanda to the President of the Security Council

[*Original: French*]
[*3 March 1993*]

I have the honour to request you to circulate the text of my letter to you of 22 February 1993 as a document of the Security Council.

(*Signed*) Jean-Damascène BIZIMANA
Permanent Representative of Rwanda
to the United Nations

LETTER DATED 22 FEBRUARY 1993 FROM THE REPRESENTATIVE OF RWANDA TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to draw your attention to the armed conflict affecting Rwanda and to request the deployment of a team of United Nations military observers on both sides of the frontier between Rwanda and Uganda, the country from which the Rwandese Patriotic Front, composed essentially of Rwandese refugees, has been attacking Rwanda since 1 October 1990.

In spite of the efforts undertaken to seek, through negotiation, a solution to this conflict, efforts which led to the signing on 12 July 1992 at Arusha, United Republic of Tanzania, of agreements providing, in particular, for a cease-fire, the situation on the ground is still very disturbing. This is demonstrated, in particular, by the resumption, since 8 February 1993, of hostilities in the northern part of the country on the initiative of the Rwandese Patriotic Front.

The Rwandese Government hopes that a peaceful negotiated settlement may be achieved as soon as possible in order to put an end to this conflict. It is resolved to continue its efforts to this end within the framework of the process begun at Arusha, where political negotiations made headway with the signing of the protocols of agreement on the rule of law and on power-sharing.

At the same time, the Rwandese Government is seriously concerned by the consequences of the conflict, in particular, because of the close ties that link the population groups of the Rwanda-Uganda frontier, which has for two years been the theatre of hostilities that constitute a threat to regional and international peace and security.

In order to anticipate these risks and promote respect for the cease-fire and the search for a negotiated solution, the Rwandese Government believes that the deployment of a team of United Nations military observers on the international frontier separating Rwanda and Uganda would make an essential contribution. Such a team might, in particular, be entrusted with the task of ascertaining that no military assistance, in men or in equipment, reaches Rwandese territory from Ugandan territory.

The Rwandese Government expresses the wish that you bring this request to the attention of the Security Council, so that the Council may authorize you to request the Secretary-General to take the necessary and urgent measures for the deployment of such observers.

(*Signed*) Jean-Damascène BIZIMANA
Permanent Representative of Rwanda
to the United Nations

DOCUMENT S/25356

Letter dated 22 February 1993 from the representative of Uganda to the President of the Security Council

[*Original: English*]
[*3 March 1993*]

I have the honour to bring to your attention the following communication on instructions from my Government for which I have been instructed to bring to your attention.

The Government of the Republic of Uganda views the resumption of hostilities between the Rwandese Government Army and the Forces of the Rwandese Patriotic Front as a very disturbing and serious development. The Government of the Republic of Uganda further views the outbreak of fighting as a flagrant violation of the cease fire agreement signed by both parties at Arusha, United Republic of Tanzania, on 12 July 1992 and is concerned that this development is likely to poison and jeopardize the atmosphere in the region.

In order, therefore, to forestall any spread of the conflict into the territory of the Republic of Uganda but more specifically, in order to forestall any accusations, as has happened in the past, against Uganda of any involvement in the internal conflict in Rwanda, my Government has instructed me, through you, to seek the assistance of the Council to authorize the Secretary-General, to send a United Nations Observer/Monitor Force of appropriate size, to be stationed on the border with Rwanda, on the Ugandan side. This will be for the purpose of patrolling, observing and ensuring that the buffer zone between the two countries is in no way infiltrated by either side while OAU [*Organization of African Unity*] efforts aimed at reconciling the two parties continue to be made.

I should be most grateful, therefore, if this matter could receive your urgent attention and to be circulated as a document of the Security Council.

(*Signed*) Perezi K. KAMUNANWIRE
Permanent Representative
of Uganda to the United Nations

DOCUMENT S/25357

Letter dated 2 March 1993 from the representative of Kuwait to the President of the Security Council

[*Original: Arabic*]
[*3 March 1993*]

On instructions from my Government, I should like to refer to the letter of the Permanent Representative of the Iraqi regime to the United Nations contained in document S/25012, dated 23 December 1992, concerning prisoners, detainees and missing persons in Iraq who are Kuwaiti and third country nationals, and wish to state what follows.

1. In his aforesaid letter, the Permanent Representative of the Iraqi regime cited news agency extracts transmitting some of what transpired in a session of the Kuwaiti National Assembly (Parliament) devoted to discussing the measures to be taken in order to guarantee Iraq's compliance with Security Council resolutions related to the release of prisoners, detainees and missing persons who are Kuwaiti and third country nationals. The extracts contained in the Iraqi representative's letter from the news agency transmission concerning the National Assembly were characterized by their selectivity and the fact that they were entirely removed from the actual course of the general discussion in the session of Kuwaiti National Assembly on this humanitarian issue, which brings suffering on Kuwaiti people of all classes and which is a wound that still bleeds, even though two years have passed since the liberation of Kuwait and the expulsion from Kuwaiti territory of the invading Iraqi forces by virtue of Security Council resolutions and international legitimacy. The seditious aim which the Iraqi regime is trying to achieve is undoubtedly to mislead world public opinion as far as possible by distorting facts and by abandoning legal, moral and ethical responsibility for the release of innocent Kuwaitis and third country nationals held in Iraqi prisons and detention camps.

2. The above-mentioned letter of the Iraqi representative referred to false information which it attributed to a committee of the Kuwaiti National Assembly, namely the Committee for Hostages, Missing Persons and the Welfare of Families of Martyrs. The report of the aforesaid Committee contained none of the alleged information concerning prisoners in Kuwait whose names were contained in the list of missing persons, nor any information on children detained in deportation centres. On the contrary, the report specifically called for the following:

(*a*) The establishment of an international team concerned with the release of prisoners similar to the inspection team concerned with weapons of mass destruction in Iraq.

(*b*) A linkage between the economic sanctions imposed on Iraq and the release of prisoners and the discovery of their whereabouts.

The Chairman of the Kuwaiti National Assembly Committee also transmitted these requests to the Chairman of the Security Council, whom he met during his visit to United Nations Headquarters last December. The fabrication of this information is nothing more than a web of fantasy and a transgression of the report of the National Assembly Committee for Hostages, Missing Persons and the Welfare of Families of Martyrs.

3. The letter of the representative of the Iraqi regime alleged that Kuwait was exploiting the issue of prisoners in order to achieve political purposes aimed at prolonging economic sanctions against Iraq. Kuwait has no need to resort to such behaviour. The well-known practices of the Iraqi regime, such as its persistence in making invalid claims to its so-called "historical rights to Kuwait" and its circumvention of all its obligations pursuant to Security Council resolution 687 (1991) and the resolutions subsequent thereto, clearly obviate the need to exploit the issue of prisoners and detainees, which is a humanitarian question, as a pretext for prolonging economic sanctions against it. Similarly, the whole world is aware of and monitors Iraq's methods of evasion and the wide discrepancy between the statements made by that regime and its actions.

4. The letter of the representative of the Iraqi regime fails to provide evidence in support of its allegations concerning the accusation that Kuwait is exploiting the issue of prisoners in order to achieve political purposes. It therefore resorted to reiterating the matter of the number of lists of prisoners and missing persons, the reasons for which Kuwait has already explained in earlier letters to the Secretary-General and some of which we again refer to here as follows:

(*a*) The aggression and the Iraqi occupation of Kuwait were the wilful cause of vast destruction to all areas of life, as United Nations reports have indicated;

(*b*) The aggression and the Iraqi occupation of Kuwait resulted in the displacement of more than two thirds of the population of Kuwait, whose repatriation was not completed until the end of 1991;

(*c*) The destruction of Kuwait's infrastructure made the process of verifying and investigating information concerning prisoners, detainees and missing persons extremely difficult;

(*d*) The names of those released, particularly in the first months following the expulsion of the Iraqi occupation forces and the liberation of Kuwait, were deleted;

(*e*) The names of those who arrived in Kuwait directly or via other countries following the uprising witnessed in Iraq in March and April 1991 were deleted;

(*f*) The names of those whose martyrdom was discovered and whose corpses were identified were deleted.

5. The authorities concerned with prisoners and missing persons in Kuwait are continuously revising the approved lists, in which respect regular contacts are made with the families and relatives of prisoners, detainees and missing persons. The lists are then amended based on the results of those contacts, and contain no contradictions, as each one is handed over to the International Committee of the Red Cross (ICRC) on a date subsequent to the previous list and comprises fewer names. Kuwait will continue its ongoing revision of these lists.

6. The number of Kuwaiti lists is evidence of one thing, namely Kuwait's integrity; if, as the Iraqi regime alleges, political blackmail was the underlying intention, Kuwait would have adhered to a single list and would not have brought upon itself the burden of checking and revising the lists.

7. Kuwait recently handed over to ICRC 617 individual files on prisoners, detainees and missing persons. Each file contains full and detailed information on the prisoner in question. The files also include photographs of those innocent prisoners and documents left behind by the Iraqi occupation authorities showing the place, date and circumstances of their detention. They also contain, in the handwriting of the invading forces, facts which incriminate the Iraqi regime, which it wishes to expunge. These files were prepared with the generous cooperation of ICRC.

8. Although it is now more than three weeks since those files were handed over, the Iraqi authorities have not thus far responded to any of them, despite their earlier undertaking to ICRC that they would respond within 10 days of receiving any individual file.

The question of the prisoners, detainees and missing persons is, in actuality and essence, not a question of lists and numbers but a humanitarian, ethical and religious question. This is what explains the Iraqi regime's inability to understand this question. This latest letter from the Iraqi regime is merely another attempt to evade its obligations under the relevant Security Council resolutions and to use human beings, whom God Almighty has honoured and whose blood He has consecrated, as a means of blackmail. If the Iraqi authorities wish to prove their good intentions, the truth of their allegations and their sincere cooperation with ICRC, they have only to comply with the standard measures and criteria by which ICRC operates, namely:

(*a*) Public identification of prisons and places of detention;

(*b*) Allowing ICRC to have access without prior notification to those prisons and places of detention;

(*c*) Allowing ICRC delegates to be alone with Kuwaiti prisoners, missing persons and nationals of third States;

(*d*) Cooperation with ICRC in providing all the necessary facilities to enable it to collect information for the purpose of determining the location and fate of those innocent persons.

We also wish to reaffirm our demands, which were included by the Special Rapporteur on the situation of human rights in Kuwait under Iraqi occupation in his report submitted to the General Assembly at its forty-sixth session.[25] I wish to draw attention to some of these demands, which are, *inter alia*:

1. That Iraq "provide information on all persons deported from Kuwait between 2 August 1990 and 26 February 1991 who may still be detained and ... release, in accordance with its obligations under article 118 of the third Geneva Convention of 1949[*Geneva Convention relative to the Treatment of Prisoners of War*][26] and article 134 of the fourth Geneva Convention [*Geneva Convention relative to the Protection of Civilian Persons in Time of War*],[1] these persons without delay";

2. That Iraq "provide, in accordance with its obligations under articles 120 and 127 of the third Geneva Convention, and articles 129 and 130 of the fourth, detailed information on persons arrested in Kuwait between 2 August 1990 and 26 February 1991 who died during or after that period while in detention as well as on the site of their graves";

3. That Iraq "provide, in accordance with its obligations under article 107 of the third Geneva Convention and article 74 of the fourth, detailed information on all executions of persons arrested in Kuwait between 2 August 1990 and 26 February 1991 carried out in Kuwait or Iraq during or after that period and ... provide information about the site of their bodies";

4. That the Iraqi regime "search, in a humanitarian spirit, for the persons still missing and cooperate with international humanitarian organizations, such as the International Committee of the Red Cross, in this regard".

The above-mentioned standard procedures and criteria, which are applied by ICRC in all similar humanitarian missions and the above-mentioned demands, which were included by the Special Rapporteur on the situation of human rights in Kuwait, are the true touchstone for establishing the degree of Iraq's serious compliance with the fourth Geneva Convention, human rights instruments and the letter and spirit of paragraph 30 of resolution 687 (1991). The individual files of 617 Kuwaiti prisoners that were handed over to ICRC and which prove decisively the existence of prisoners and missing persons in Iraq may perhaps be a sufficient legal, political, ethical and religious basis for testing the sincerity of Iraq's intentions and the extent of its commitment to fulfilling its undertakings.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammad A. ABULHASAN
Permanent Representative
of Kuwait to the United Nations

DOCUMENT S/25358

Letter dated 3 March 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*3 March 1993*]

Today, Serbian and Montenegrin extremist forces overran the town of Cerska, as well as many surrounding villages, in a new round of expulsions and genocide, and are threatening the region of Srebrenica.

In an attempt to pre-empt humanitarian assistance, the Serbian leadership issued an order that the populations of Cerska and Srebrenica be wiped out or driven out before United States air-drops can save them from starvation. The Serbian forces have now expressly blocked all humanitarian land convoys. In the offensive, the aggressor forces employed heavy artillery, tanks, and ground troops, which were directed at the civilian population in the region. In the last 72 hours, 2,000 innocent persons have been murdered, and thousands of others forcibly displaced. As the assault on Cerska continues, approximately 40,000 citizens are susceptible to death, whether it be from starvation, exposure, disease or military attack.

These new attacks absolutely threaten the entire peace process and the noble efforts of those who are trying to save the population of Cerska and the rest of Eastern Bosnia. Acting under paragraph 1 of Article 35 of the Charter of the United Nations, we request an emergency meeting of the Security Council.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25359

Letter dated 2 March 1993 from the representative of Afghanistan to the President of the Security Council

[*Original: English*]
[*3 March 1993*]

With reference to the letter dated 19 February 1993 from the Chargé d'affaires a.i. of the former Yugoslavia to the United Nations [*S/25318*], in which he alleges:

> "Again in September of 1992, a training centre for mujahidin, Kurds of Afghanistan and the Islamic Republic of Iran and from other Islamic States was established on the outskirts of Munich, Germany. Some 1,000 of these trainees were subsequently included in the "green beret" units of Bosnia and Herzegovina through Zagreb",

I have the honour to inform you that the Government of the Islamic State of Afghanistan categorically and explicitly denies such allegations. For furthering the information of the Yugoslav Chargé d'affaires, I must say that there are no "Kurds of Afghanistan".

It is obvious that the Government of Yugoslavia, by encouraging and often supporting the Serbian forces in Bosnia and Herzegovina, has become involved in one of the darkest chapters of recent human history. The allegations are nothing but a means to divert international attention from the grave crimes committed by the Serbian forces and their Yugoslav backers. The letter of the Yugoslav Chargé d'affaires demonstrates his Government's commitment to the continuation of the barbarism that has engulfed the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Abdul Rahim GHAFOORZAI
Chargé d'affaires a.i.
of the Permanent Mission of
Afghanistan to the United Nations

DOCUMENT S/25360[*]

Letter dated 1 March 1993 from the Prime Minister of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*5 March 1993*]

I have the honour to transmit to you the attached letter, dated 24 February 1993, addressed to Senator Joseph Biden, Chairman of the European Affairs Subcommittee of the United States Senate Foreign Relations Committee.

The purpose of my letter was to inform the Committee about the position of the Government of the Republic of Bosnia and Herzegovina with respect to the Vance/Owen peace talks, which is often confused with the position of the Muslim part of the Government. The issues concerning internal matters of Bosnia and Herzegovina, including internal political arrangements under the auspices or with the necessary arbitration of the international community, are to be negotiated among its three peoples: Croats, Muslims and Serbs. While the Government as a whole supports the Vance/Owen peace process, there is no single position of the Government on the current stage of the Vance/Owen talks. Each of the three negotiating parties has its own position on the proposal as it currently stands.

I also advised the Committee that the mandate of Mr. Alija Izetbegovic as President of the Presidency had expired. This is to demonstrate the immediate need for the international community to assist not only in protecting Bosnia and Herzegovina's sovereignty and territorial integrity but also in assuring that the country is governed in accordance with its democratic and constitutional principles.

I should be grateful if you would have the text of the present letter and the annex circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Mile AKMADZIC
Prime Minister

ANNEX

Letter dated 24 February 1993 from the Prime Minister of Bosnia and Herzegovina to the Chairman of the European Affairs Subcommittee of the Senate Foreign Relations Committee of the United States of America

This letter concerns the testimony of Mr. Haris Silajdzic, Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, before the European Affairs Subcommittee of the Senate Foreign Relations Committee on 18 February 1993. As Prime Minister of the Republic of Bosnia and Herzegovina, I wish to advise you that Mr. Silajdzic's testimony as a whole did not represent fully the position of the Government of the Republic of Bosnia and Herzegovina.

The position was established in its November programme by consensus in the Government and the Presidency functioning as Parliament. As set forth in this programme, the Government fully supports the International Conference on the Former Yugoslavia, the Co-Chairmen of the Steering Committee, Mr. Cyrus R. Vance and Lord David Owen, and their pursuit of a negotiated solution to the crisis in Bosnia and Herzegovina. We seek to achieve a just peace through this process. In our view, a just peace includes: (1) the return of all refugees and displaced persons who wish to return to their homes, (2) the establishment of an international criminal tribunal to try those accused of war crimes, (3) non-recognition of changes achieved by aggression, including ethnic cleansing, and (4) payment of reparations to those who were damaged as a result of the war.

The Government has also determined that Bosnia and Herzegovina can be politically arranged as a decentralized State. The proposals concerning establishment of provinces are an acceptable solution if not based only on ethnic principles, but rather on a combination of ethnic, geographical, historical, economic and other principles developed through negotiations. Our programme includes full equality for the three peoples of Bosnia and Herzegovina - Croats, Muslims and Serbs - as recognized by the Constitution of the Republic of Bosnia and Herzegovina.

The Government has also agreed upon a delegation from Bosnia and Herzegovina, which is empowered to negotiate with other countries on all matters that concern our foreign relations. The delegation, which represents the Republic in discussions with other countries, is a delegation made up of two Croats, two Muslims and two Serbs. The issues concerning internal matters, including internal political arrangements under the auspices or with the necessary arbitration of the international community through the United Nations or the European Community, are to be negotiated among its three peoples. This is the case with the Vance/Owen peace talks, where three parties negotiate and no one party is the Government.

I therefore ask you to keep in mind that the testimony of Mr. Silajdzic on the current stage of the Vance/Owen talks and on the national history of Bosnia and Herzegovina is representative of the view of some Muslim members of the Government, and not of the Government as a whole.

Furthermore, please be advised that the mandate of Mr. Alija Izetbegovic as President of the Presidency of the Republic of Bosnia and Herzegovina expired on 20 December 1992. He is presently without constitutional authority to act in that capacity. The Presidency, and not the President alone, is the representative body of the Republic of Bosnia and Herzegovina. Only the Presidency can invoke constitutional emergency powers, not the President alone. The President is merely *primus inter pares*. Like Mr. Silajdzic, Mr. Izetbegovic does not speak for the Presidency as a whole with respect to the current stage of the Vance/Owen talks, but only as one Muslim member of the Presidency.

I regret having to be so blunt in light of the immense suffering of Bosnia and Herzegovina's Muslims. I am nevertheless compelled as Prime Minister to bring the foregoing facts to your attention.

My Government welcomes the support of the United States, and we are very grateful for such help. I will be available to discuss these matters and other issues of concern to you.

May I request your kind assistance in circulating this letter to your honourable colleagues in the United States Senate and entering this letter as a record of your esteemed Committee.

(*Signed*) Mile AKMADZIC
Prime Minister

DOCUMENT S/25362[**]

Letter dated 3 March 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*3 March 1993*]

I have the honour to transmit to you the text of the agreement signed on 3 March 1993 by Messrs. Alija Izetbegovic, Haris Silajdzic, Mate Boban and Mile Akmadzic.

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[*] Circulated under the double symbol A/47/899-S/25360.

[**] Circulated under the double symbol A/47/901-S/25362.

May I request your kind assistance in circulating the text of the present letter and the agreement as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

TEXT OF THE AGREEMENT

President Izetbegovic, Mr. Silajdzic, Mr. Boban and Prime Minister Akmadzic hereby agree as follows:

1. Upon the signing of the comprehensive peace package by President Izetbegovic, both sides agree that all provinces will be considered a part of the Republic of Bosnia and Herzegovina and will not be considered national territories.

2. During the period of interim government, both sides agree to fully respect the authorized decisions of the Presidency and the Government of the Republic of Bosnia and Herzegovina.

3. Once the peace agreements have been signed, the parties agree to fly the current flag of the Republic of Bosnia and Herzegovina along the international borders of the Republic of Bosnia and Herzegovina and on all public buildings of Bosnia and Herzegovina until a flag has been agreed upon by all the parties under the new constitution.

4. The responsibilities of the Presidency, the Government of the Republic of Bosnia and Herzegovina and the provinces will be in accordance with the letter and spirit of the constitutional principles agreed upon and signed by the parties.

5. In the light of General Nambiar's letter dated 1 March 1993 on the control of heavy weapons (see annex), President Izetbegovic has agreed to sign the military agreement.

6. The parties agree that the institution of the Presidency shall be preserved during the period of interim government. There will be nine members on the interim Presidency, with three representatives from each of the three constituent peoples. Since the Republic of Bosnia and Herzegovina is to be demilitarized as provided for in constitutional principle No. 7, the Commander-in-Chief of the Armed Forces will not continue to serve in the interim Presidency.

7. The nine members of the interim Presidency shall designate one member to serve as President of the Presidency. The President will perform the role of head of State. The position of President will rotate every six months among the three constituent peoples in accordance with the existing sequence of rotation (Muslim, Croat and Serb).

8. The interim Presidency will take its decisions by consensus of nine, by a qualified majority of seven or by a simple majority of five depending on whether the decision relates to a constitutional principle, or specially important questions, or to normal business of the Presidency. If the members of the interim Presidency are unable to agree on the applicable majority, they will consult the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, whose decision will be binding.

9. The parties have submitted the following six names to serve in the interim Presidency: Fikret Abdic, Mile Akmadzic, Franjo Boras, Ejup Ganic, Alija Izetbegovic and Miro Lasic. The Co-Chairmen will ask the Bosnian Serbs to propose three Serb representatives to serve on the Presidency.

10. The parties agree that in the interim period the continuity of the legal institutions of the Republic of Bosnia and Herzegovina will be preserved to the extent possible and compatible with the nine constitutional principles.

Dated: 3 March 1993

(*Signed*) Alija IZETBEGOVIC
(*Signed*) Mate BOBAN

(*Signed*) Haris SILAJDZIC
(*Signed*) Mile AKMADZIC

ANNEX

Letter dated 1 March 1993 from the Commander of the United Nations Protection Force addressed to the President of the Presidency of Bosnia and Herzegovina

1. You will recall that you had some reservations about the control of heavy weapons in the Agreement on Cessation of Hostilities that was drafted at Geneva in early January 1993

2. Since that Agreement was drafted, there are indications that there will be a fairly substantial allocation of resources for implementation and, as such, I have conveyed to the Co-Chairmen the feasibility of placing the heavy weaponry of all the warring forces under United Nations control. I am sure this will dispel any remaining doubts you have and that will facilitate your endorsement of the Agreement.

(*Signed*) Lieutenant-General Satish NAMBIAR
Force Commander

DOCUMENT S/25363

Letter dated 4 March 1993 from the representative of Rwanda to the President of the Security Council

[*Original: French*]
[*4 March 1993*]

Since the deterioration of conditions in my country is a threat to peace and security in the region, I have the honour, on instructions from my Government, to request an immediate meeting of the Security Council to consider ways of ensuring the cessation of the fighting, the observance of the cease-fire agreement signed at Arusha, United Republic of Tanzania, on 12 July 1992, and the implementation of the declarations issued by the Rwandese Patriotic Front on 21 February 1993 and the Government of Rwanda on 22 February 1993 with a view to restoring the cease-fire and thereby enabling the search for a negotiated political solution to continue.

The Government of Rwanda considers that a vital contribution to peace would be made if an international force to maintain the cease-fire could supervise the zone between the positions occupied by the Rwandese Patriotic Front and those occupied by the Rwandese armed forces prior to the violation of the cease-fire.

I transmit herewith the following documents regarding the situation in Rwanda:

(*a*) The N'sele Cease-fire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite, 16 September 1991, and at Arusha on 12 July 1992;

(*b*) The declaration of cease-fire issued by the Rwandese Patriotic Front (21 February 1993);

(*c*) The declaration by the Government of Rwanda on the restoration of the cease-fire (22 February 1993).

I should be grateful if you would have this letter and the annexes hereto circulated as a document of the Security Council.

(*Signed*) Corneille MUNYAMPETA
Chargé d'affaires a.i.
of the Permanent Mission of
Rwanda to the United Nations

ANNEX I

[Original: English and French]

The N'sele Cease-fire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite on 16 September 1991, and at Arusha on 12 July 1992

We, the representatives of the Government of the Rwandese Republic and of the Rwandese Patriotic Front,

Mindful of the unfortunate incidents that have occurred between the Rwandese and have affected peace and public order in the country,

Referring to the communiqués issued by the heads of State of the region, meeting in Mwanza, United Republic of Tanzania on 17 October 1990, in Gbadolite, Zaire, on 26 October 1990 and in Goma, Zaire, on 20 November 1990,

Considering that all these summit meetings specifically emphasized the prior need for a cease-fire,

Considering the acceptance of the cease-fire in principle by President Juvenal Habyarimana in Zanzibar, United Republic of Tanzania, on 17 February 1991 following his meeting with Presidents Yoweri Museveni of Uganda and Ali Hassan Mwinyi of the United Republic of Tanzania,

Mindful of the fact that Presidents Pierre Buyoya of Burundi, Juvenal Habyarimana of Rwanda, Ali Hassan Mwinyi of the United Republic of Tanzania, Yoweri Museveni of Uganda and Prime Minister Lunda Bululu of Zaire, assisted by the Secretary-General of the Organization of African Unity (OAU) and a delegate of the Office of the United Nations High Commissioner for Refugees, adopted the Dar-es-Salaam Declaration of 19 February 1991 mandating President Mobutu Sese Seko of Zaire to take urgent and immediate steps to usher in dialogue which should culminate in a formal cease-fire agreement between the Government of Rwanda and the Rwandese Patriotic Front,

Mindful of the fact that the cease-fire should facilitate the establishment of negotiations between the Rwandese Government and the Rwandese Patriotic Front aimed at national reconciliation and restoration of lasting peace,

Considering that the two Parties reaffirmed their political will during their meeting in Paris from 6 to 8 June 1992 to find through negotiations a solution to the current conflict as well as related problems,

Considering that both parties are committed to conduct direct negotiations,

Mindful of the fact that both parties reaffirmed the validity of the Cease-fire Agreement signed at N'sele on 29 March 1991 and as amended on 16 September 1991 in Gbadolite subject to updating the agreement by making necessary amendments,

Have on this twelfth day of July 1992, agreed on and accepted the following provisions with respect to the cease-fire

ARTICLE I

1. A cease-fire is hereby established throughout the territory of the Republic of Rwanda, between the Government forces and those of the Rwandese Patriotic Front. The cease-fire shall enter into force at midnight (Rwanda time) on 31 July 1992 at the same time as the deployment of the Neutral Military Observer Group.

2. The entry into force of the cease-fire shall be preceded by a truce, that is, the cessation of fighting, which shall enter into force at midnight (Rwanda time) on 19 July 1992.

3. The present Cease-fire Agreement is the first stage of a peace process which shall culminate in a peace agreement to be signed at the conclusion of the political negotiations.

ARTICLE II

The cease-fire shall imply

1. The cessation of all hostilities for the purpose of dialogue and serious negotiations between the two parties under the auspices of the mediator or a facilitator;

2. The suspension of supplies of ammunition and weaponry to the field;

3. The supply of non-lethal logistical needs to the military forces in the field;

4. The release of all prisoners-of-war, the effective release of all persons arrested because and as a result of this war within five days following the entry into force of the Cease-fire Agreement;

5. The possibility of recovering the remains of the dead;

6. The withdrawal of all foreign troops after the effective deployment of the Neutral Military Observer Group except for military officers serving in Rwanda under bilateral cooperation agreements;

7. A ban on infiltration of troops and on the conveyance of troops and war material to the area occupied by each party;

8. A ban on any mine-laying operations or the hindering of operations to remove the mines;

9. The establishment of the neutral corridor separating the areas occupied by the two respective forces. This corridor meant to facilitate the monitoring of the cease-fire by the Neutral Military Observer Group shall be determined in consideration of the frontlines of both armies. The demarcation on the field shall be established by the representatives of the two armies in the presence of the Neutral Military Observer Group.

ARTICLE III

1. The verification and control of the cease-fire shall be conducted by the Neutral Military Observer group under the supervision of the Secretary-General of OAU.

2. The Neutral Military Observer Group shall be composed of:

10 Officers from Nigeria;

10 Officers from Senegal;

10 Officers from Zimbabwe;

10 Officers from an African country to be chosen by the current Chairman of the OAU in collaboration with the President of the United Republic of Tanzania;

5 Officers from the Government of Rwanda;

5 Officers from the Rwandese Patriotic Front.

3. The Neutral Military Observer Group shall report any violation of the cease-fire to the Secretary-General of OAU and a joint political military commission.

4. The Neutral Military Observer Group shall set up the organs and machinery required for the control and verification of the cease-fire. It shall draft its own rules of procedure. It shall enjoy a status that would enable it to perform its mission as provided in the Cease-fire Agreement, including privileges and immunities enjoyed by the OAU personnel as enshrined in the general agreement.

5. The Neutral Military Observer Group shall have full communication and other equipment it deems necessary to perform its mission. The officers of the Neutral Military Observer Group may have specific uniforms with insignia for easy identification, and light weapons for self-defence.

ARTICLE IV

1. A Joint Political Military Commission composed of 5 representatives of the Rwandese Government and 5 of the Rwandese Patriotic Front is established.

2. The OAU and the following countries are invited to participate, as observers, in the Joint Commission: Burundi, United Republic of Tanzania, Uganda, Zaire, Belgium, France and the United States of America.

3. The Joint Commission shall have the following mandate:

- To ensure the follow-up of the implementation of the Cease-fire Agreement;
- To ensure the follow-up of the implementation of the peace agreement to be signed at the conclusion of the political negotiations.

4. The Joint Commission shall be based at the OAU headquarters at Addis Ababa. The Commission's headquarters may be moved upon agreement by both parties.

5. The Joint Commission shall hold its inaugural meeting not later than 26 July 1992.

ARTICLE V

The signatories of the present agreement accept the following principles whose modalities of implementation shall be specified during the political negotiations:

1. Establishment of the rule of law, that is, based namely on national unity, democracy, pluralism, and respect for human rights;

2. Formation of a national army consisting of Government forces and those of the Rwandese Patriotic Front;

3. Establishment of power-sharing within the framework of a broad-based transitional government.

ARTICLE VI

The political negotiations culminating in the peace agreement shall proceed pursuant to the following calendar:

1. Commencement of the political negotiations: 10 August 1992;

2. Completion of the political negotiations and signing of the peace agreement: not later than 10 October 1992;

3. Completion of the implementation of the mechanisms and conclusions agreed upon pursuant to the peace agreement: not later than 10 January 1993.

ARTICLE VII

In the present Agreement:

1. "Cease-fire" shall mean the cessation of all hostilities between the forces of the Government of the Rwandese Republic and those of the Rwandese Patriotic Front throughout the national territory of Rwanda;

2. "Cessation of hostilities" shall mean the end of all military operations, all harmful civil operations and denigrating and unfounded propaganda through the mass media;

3. "Violation of the cease-fire" shall mean the non-observance of one of the points mentioned in article II;

4. "Violation of the Cease-fire Agreement" shall mean the non-observance of any provision of the agreement.

Done at Arusha on 12th July 1992

For the Rwandese Government:

(*Signed*) Boniface NGULINZIRA
Minister for Foreign Affairs
and Cooperation

For the Rwandese Patriotic Front:

(*Signed*) Pasteur BIZIMUNGU
Member of the Executive Committee
for Information and Documentation

For the Facilitator (United Republic of Tanzania)

(*Signed*) Hon. Ahmed Hassan DIRIA (MP)
Minister for Foreign Affairs and
International Cooperation

In the presence of the
Representative of the Secretary-General
of the OAU

(*Signed*) M. T. MAPURANGA
Assistant Secretary-General in
Charge of Political Affairs

ANNEX II

[*Original: English and French*]

Declaration of cease-fire

The Rwandese Patriotic Front in line with its continued search for a peaceful and negotiated settlement to the conflict in Rwanda is hereby declaring an immediate cease-fire. It should be remembered that this declaration comes after the one made on 10 February 1993, which was not respected by the Rwandese Government Forces. The Rwandese Patriotic Front is once again calling upon the Rwandese Government Forces to respond to this declaration for the sake of peace.

In order for the cease-fire to hold firmly, the following should be put into action:

1. The Rwandese Government Forces must remain in the positions they are presently occupying;

2. The Rwandese Patriotic Front Army will pull back to its former positions;

3. The area the Rwandese Patriotic Front Army will pull out from shall be a buffer zone and will be used to monitor the implementation of the cease-fire;

4. The monitoring of the cease-fire should be done by an expanded OAU-sponsored Neutral Military Observer Group team since the operational area will now be bigger;

5. Arusha negotiations should resume as soon as possible.

It is absolutely necessary that the implementation of the above should be agreed upon with the Government of Rwanda.

Byumba, 21 February 1993

(*Signed*) Colonel Alexis KANYARENGWE
Chairman of the Rwandese
Patriotic Front

ANNEX III

[*Original: French*]

Declaration by the Government of Rwanda on the restoration of the cease-fire

The Government of the Rwandese Republic confirms its declaration on the restoration of the cease-fire, issued on 15 February 1993, under the terms of which a truce was to be observed along the whole of the front line.

This truce, which initially was to last for one week, is extended from Monday, 22 February 1993, at midnight, until the restoration of the cease-fire, in accordance with the Cease-fire Agreement signed at Arusha on 12 July 1992.

The Government of Rwanda notes with regret that, despite its declaration of a truce dated 15 February 1993 and the declaration issued by the Rwandese Patriotic Front and dated 10 February 1993, numerous violations of the cease-fire have continued to be committed by the Rwandese Patriotic Front during the past week.

The Government of Rwanda confirms its decision to observe the truce and therefore accepts the proposals formulated by the Rwandese Patriotic Front in its declaration of cease-fire of 21 February 1993, to which the Government of Rwanda gives the following response:

1. The Rwandese armed forces are to remain in their current position;

2. The army of the Rwandese Patriotic Front must regain the positions it occupied previously, as observed and established by the Neutral Military Observer Group;

3. The zone between the positions previously occupied by the Rwandese Patriotic Front and those previously occupied by the Rwandese armed forces is to be considered a demilitarized neutral zone which will be used for monitoring the implementation of the cease-fire;

4. The monitoring of the cease-fire is to be supervised by an international force for maintaining the cease-fire under the auspices of the Organization of African Unity and the United Nations;

5. Those displaced by the war will be installed in the demilitarized neutral zone and will receive the protection of the international force for maintaining the cease-fire;

6. The Arusha negotiations are to resume on 1 March 1993 at the latest;

7. The Government of Rwanda requests a meeting of the Joint Political Military Commission in ten days' time to consider all the technical aspects of the observance of the cease-fire.

Kigali, 22 February 1993
(*Signed*) Boniface NGULINZIRA
Minister for Foreign Affairs
and Cooperation

DOCUMENT S/25364[*]

Letter dated 4 March 1993 from the representative of Algeria to the Secretary-General

[*Original: French*]
[*4 March 1993*]

On instructions from my Government, I have the honour to transmit herewith the position of my country, as an observer State to the process of settling the conflict in Western Sahara, following the adoption by the Security Council of resolution 809 (1993).

I should be grateful if you would have this letter and the annex circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Rabah HADID
Chargé d'affaires a.i.
of the Permanent Mission of
Algeria to the United Nations

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[*] Circulated under the double symbol A/48/95-S/25364.

ANNEX

Position of Algeria, as an observer State to the settlement of the conflict in Western Sahara, following the adoption by the Security Council of resolution 809 (1993)

Algeria has taken note of the adoption on 2 March 1993 of Security Council resolution 809 (1993) on the question of Western Sahara, inviting the Secretary-General and his Special Representative to intensify their efforts with the parties in order to resolve the questions blocking the implementation of the settlement plan, in particular those relating to the interpretation and application of the criteria for voter eligibility.

In reaffirming its endorsement of the settlement plan established jointly by the United Nations and the Organization of African Unity, Algeria strongly hopes that the Kingdom of Morocco and the Frente Polisario [*Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro*] will demonstrate the necessary will and cooperate in good faith in resolving those questions inasmuch as no viable solution is possible in the absence of agreement between the parties.

It wishes to recall that in accepting the 1988 settlement proposals as well as the settlement plan, the Kingdom of Morocco and the Frente Polisario had expressly given their agreement that the 1974 Spanish census should constitute the point of reference and the basis for identifying the Saharans eligible to participate in the referendum for self-determination. In that spirit, Algeria wishes to reiterate the position it stated on 26 December 1991 [*see S/23323*] to the effect that the introduction of new elements not agreed to by both parties would be incompatible with the spirit and letter of the settlement plan and could jeopardize the process for settling the dispute concerning Western Sahara as originally conceived by the United Nations and accepted by both parties.

It expresses the hope that the Security Council, which has placed its seal of authority on the settlement plan by its resolutions 658 (1990) and 690 (1991), will continue to ensure that its integrity is preserved and that the settlement plan is not misconstrued either in content or purpose, namely the free exercise by the people of Western Sahara of its right to self-determination.

In that connection, Algeria cannot but note with regret the omission for the first time of any reference to the role of the Organization of African Unity in the organization and supervision of the referendum for self-determination in Western Sahara which was conceived precisely in the framework of their joint mission of good offices.

As an observer country to the process of settling the question of Western Sahara, Algeria has been involved at all stages in the development and implementation of the settlement plan and has made it a duty to lend its constant support to the process of the joint good offices of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations. It will continue to make its contribution towards the implementation of the full settlement plan as accepted by the two parties and unanimously approved by the Security Council.

Algeria consequently believes that all possible steps should be taken to create the conditions needed to hold a referendum on genuine self-determination which satisfies the United Nations imperative of credibility and which is such as to guarantee stability in the whole region.

DOCUMENT S/25366

Letter dated 4 March 1993 from the representative of Viet Nam to the Secretary-General

[*Original: English*]
[*4 March 1993*]

Upon instructions from my Government, I have the honour to request you kindly to circulate as a document of the Security Council a statement issued on 2 March 1993 by the Ministry of Foreign Affairs of Viet Nam, concerning the allegations of the United Nations Transitional Authority in Cambodia (UNTAC) about the presence of Vietnamese troops in Cambodia.

(*Signed*) TRINH XUAN LANG
Permanent Representative of Viet Nam
to the United Nations

TEXT OF THE STATEMENT

On 1 March 1993 in Phnom Penh, the spokesman of the United Nations Transitional Authority in Cambodia (UNTAC) declared that UNTAC had identified three Vietnamese who had served with the Vietnamese armed forces in Cambodia, remained in Cambodia, had been issued identity cards by the Phnom Penh authorities, were married to Cambodian women and had children with them. UNTAC regards these three persons as foreign forces and asks the Vietnamese Government to accept them back as Vietnamese.

On this issue the spokeswoman of the Ministry of Foreign Affairs is authorized to make the following statement:

1. Viet Nam's consistent stance is to respect fully the Paris agreements on Cambodia and strictly implement the provisions of the agreement related to Viet Nam. As early as 1982, Viet Nam began withdrawing and had completely withdrawn its troops from Cambodia in September 1989. Viet Nam's goodwill attitude has created favourable conditions for the signing of the Paris agreements providing a political settlement of the Cambodia issue. Since then Viet Nam has not sent any troops back to Cambodia in any form. UNTAC and Prince Sihanouk have many times confirmed that there is no evidence to prove that Vietnamese troops remain in Cambodia. World public opinion has welcomed and recognized Viet Nam's goodwill.

2. The question of foreign forces in Cambodia is defined in article 8 of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict [*S/23177, annex*]. On 9 September 1992 Mr. Akashi, head of UNTAC, gave his official definition of foreign forces as follows:

> "This is a group of armed foreigners, organized for a given collective act and under the control and direction of a foreign authority. They might have been military personnel but later left their ranks or retired to become civilians or changed to other professions. But the essential is whether or not they continue to take orders, instruction or control from a foreign Government."

The 3 August 1992 document of UNTAC on foreign forces and UNTAC obligations in the framework of the Agreement also repeats that above definition and rejects the intention to broaden the definition of foreign forces in contravention of the objectives of the Agreement.

Thus, the three cases mentioned above obviously do not come under the definition of foreign forces. The UNTAC spokesman himself also recognized that these three men returned to civilian life in 1983 and 1985, that they were married to Cambodian women and had children with them and that they were issued Cambodian identity cards. They have become Cambodian of Vietnamese origin and the State of Viet Nam has absolutely no jurisdiction over them.

The deliberate labelling of them as a foreign force and the demand to repatriate them to Viet Nam is contrary to the letter and spirit of the Agreement and the definition by UNTAC itself, and runs counter to international documents on human rights. The Vietnamese Government categorically rejects this qualification and cannot accept them back.

3. Most worthy of concern is that the forces who have been undermining the implementation of the Paris agreements, especially the "Democratic Kampuchea" faction, have repeatedly clamoured that Vietnamese troops remain in Cambodia and even barbarously massacred Vietnamese residents in Cambodia so as to cover up their dark designs and hamper the process of implementing the peace solution in Cambodia. The above wrong accusation only helps these forces to mislead public opinion on the real cause of the present complicated situation in Cambodia and lends them a hand to sabotage the peace process, which may lead to unpredictably serious consequences. It may adversely affect the prestige of UNTAC.

Viet Nam holds that all the signatories to the Paris agreements and UNTAC must seriously and strictly implement the agreements, that the present urgent necessity is to prevent the Democratic Kampuchea faction from undermining the implementation of the agreements. As always, Viet Nam is prepared to cooperate with UNTAC and the parties concerned in the implementation of the Paris agreements on Cambodia in the interests of peace and stability in the region.

DOCUMENT S/25367

Letter dated 4 March 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[*Original: Spanish*]
[*8 March 1993*]

We have the honour to transmit to you herewith the text of the declaration on atrocities in eastern Bosnia adopted by the European Community and its member States on 3 March 1993.

We should be very grateful if you would have the text of this letter and the declaration circulated as a document of the Security Council.

(*Signed*) Juan A. YAÑEZ-BARNUEVO
Permanent Representative
of Spain to the United Nations

(*Signed*) Jean-Bernard MERIMEE
Permanent Representative
of France to the United Nations

(*Signed*) Sir David HANNAY, KCMG
Permanent Representative of
the United Kingdom of Great Britain
and Norther Ireland to the United Nations

TEXT OF THE DECLARATION OF THE PRESIDENCY OF THE EUROPEAN COMMUNITY

[*Original: English and French*]

The European Community and its member States add their strong condemnation to the statement by Lord Owen and Cyrus Vance on the fighting in eastern Bosnia and the atrocities being committed by Bosnian Serbs as peace talks are continuing at United Nations Headquarters.

The Community and its member States are in contact through the Presidency with the Governments of the United States of America and the Russian Federation to bring pressure to bear on those responsible with a view to ending the atrocities and to securing free access for international relief efforts.

DOCUMENT S/25368

Letter dated 1 March 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*4 March 1993*]

I have the honour to refer to Security Council resolution 797 (1992) of 16 December 1992 by which the Council decided to establish a United Nations Operation in Mozambique (ONUMOZ), and to my letters to you dated 11 January 1993 [*S/25121*] and 29 January 1993 [*S/25211*] concerning the composition of the military component of ONUMOZ.

Having completed additional consultations, I propose that the military elements of ONUMOZ be also composed of contingents from the following States, all of which have expressed their readiness in principle to make the necessary personnel available: the Czech Republic, the Russian Federation and Portugal.

I am awaiting replies from certain other States which have been informally approached and will revert to the Security Council when I have an indication of whether they are also ready in principle to contribute military personnel to this mission.

I should be grateful if you would bring these matters to the attention of the members of the Security Council.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25371

Letter dated 4 March 1993 from the representative of France to the President of the Security Council

[*Original: French*]
[*4 March 1993*]

With reference to the letter addressed to you today by the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations [*S/25363*] drawing attention to the grave situation in his country and the consequences which that has for peace and security in the region, I have the honour, on instructions from my Government, to request an immediate meeting of the Security Council on this subject.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Jean-Bernard MERIMEE
Permanent Representative
of France to the United Nations

DOCUMENT S/25372*

Letter dated 4 March 1993 from the representative of Turkey to the Secretary-General

[*Original: English*]
[*5 March 1993*]

In my capacity as current Chairman of the group of States Members of the United Nations that are members of the Organization of the Islamic Conference, I have the honour to transmit herewith the statement that was issued following the special meeting of the group that was convened on 4 March 1993 to consider the deteriorating situation in Bosnia and Herzegovina. This meeting was also attended by the President of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegovic, and by the Minister for Foreign Affairs, Mr. Haris Silajdzic.

I would be grateful if you could have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Mustafa AKSIN
Permanent Representative
of Turkey to the United Nations

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*Circulated under the double symbol A/47/903-S/25372.

TEXT OF THE STATEMENT

A special meeting of the delegations of the States Members of the United Nations that are members of the Organization of the Islamic Conference was convened in New York on 4 March 1993 to hear a statement by Mr. Alija Izetbegovic, President of the Republic of Bosnia and Herzegovina, and to discuss the grave situation arising from the continuing massacres committed by the Serb paramilitary units in the region of eastern Bosnia.

President Izetbegovic made a statement explaining the grim situation in his country, which continues to be victimized by brutal Serbian aggression. He informed the delegations of the deteriorating humanitarian situation in eastern Bosnia and the atrocities and massacres to which the Muslim population is being subjected. He also briefed the delegations about the state of the negotiations being carried out in New York.

The meeting thanked President Izetbegovic for his statement. The meeting also expressed its outrage and grave concern at the continuing aggression of Serbian paramilitary forces against the Muslim population in Bosnia and Herzegovina and in particular in eastern Bosnia. The meeting strongly condemned the suffering inflicted on innocent civilians through long months of siege followed now by more ethnic cleansing and massacres. The meeting called for an immediate cease-fire and an end to the Serbian aggression, reversal of all consequences of ethnic cleansing and an end to the grave violations of international humanitarian law. The meeting noted the prompt reaction of the Security Council and called on it to ensure immediate and full compliance with its relevant resolutions and the presidential statement of 3 March 1993, through concrete enforcement actions.

The meeting recalled Security Council resolution 770 (1992), wherein the Council called upon States to take, nationally or through regional agencies or arrangements, all measures necessary to facilitate in coordination with the United Nations the delivery of humanitarian assistance to Bosnia and Herzegovina.

The meeting gave its full support to President Izetbegovic and the delegation of the Government of Bosnia and Herzegovina in the negotiations being conducted in New York by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. The meeting noted with appreciation the flexibility demonstrated by the Bosnian Government in its endeavour to reach an honourable, just and equitable settlement that would fully preserve the independence, sovereignty, unity and territorial integrity of the Republic of Bosnia and Herzegovina. The meeting also called on the leaders of the other parties to fully cooperate with the Co-Chairmen and refrain from adopting positions and pursuing policies that would undermine the negotiations.

DOCUMENT S/25373

Letter dated 4 March 1993 from the representative of Bulgaria to the President of the Security Council

[*Original: English*]
[*5 March 1993*]

Upon instructions from my Government, I have the honour to transmit herewith a declaration of the Ministry of Foreign Affairs of Bulgaria dated 2 March 1993 concerning the blockage by Serbian vessels of the navigation sector of the Danube at the "Iron Gates 2" lock.

I should be grateful if you would have the text of this letter and the declaration circulated as a document of the Security Council.

(*Signed*) Slavi PASHOVSKI
Permanent Representative
of Bulgaria to the United Nations

TEXT OF THE DECLARATION

The Ministry of Foreign Affairs of Bulgaria expresses its deep concern at the blockage by Serbian vessels of the navigation sector of the Danube at the Romanian "Iron Gates 2" lock. As a result of these illegal and irresponsible actions, all upstream and downstream traffic on the Danube has stopped completely and vessels belonging to various States have been halted, including a number of Bulgarian catamarans, property of the International Motor Transport Economic Group: *Khan Asparoukh*, presently at Passau (Germany), loaded; *Khan Kroum*, presently at Vidin, loaded; *Khan Kardam*, anchored at the "Jerdap 2" lock, loaded, as well as other ships making forced halts leading to considerable losses by the Bulgarian side.

The Ministry of Foreign Affairs of Bulgaria considers it inadmissible for the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take retaliatory measures against States observing the sanctions imposed by the Security Council, which, as it is, have already resulted in enormous economic losses for the riparian countries. It subscribes to the statement made by the President of the Security Council on 26 February 1993 calling upon the Serbian authorities to remove the blockage of the navigation on the Danube immediately.

Under the Belgrade Convention of 1948,[9] freedom of commercial navigation on the Danube was instituted and has been in effect for decades now, and it is the obligation of the riparian States not to hinder or impede the navigation on the river midstream. We are witnesses to a gross and unwarranted violation on the part of the Federal Republic of Yugoslavia (Serbia and Montenegro) of this international obligation and the internationally established regime of free navigation on the Danube.

Particularly disturbing are the recent reports in the press of Serbian threats to blow up the levee at Prahovo with the purpose of changing the river course and diverting the traffic now passing through the canal locks entirely in Romanian territory. Such threats cannot but be considered as environmental terrorism with unpredictable consequences for the countries in the region.

The Ministry of Foreign Affairs of Bulgaria calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to remove immediately all obstacles to free navigation at the locks and to abstain from such unfriendly and dangerous actions in the future. At the same time it appeals to the Security Council, to the Governments of the riparian States and to the States members of the European Community to exert influence on the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) with a view to putting an end to the illegal blockage of the navigation on the Danube.

DOCUMENT S/25375[*]

Letter dated 5 March 1993 from the representative of the Islamic Republic of Iran to the Secretary-General

[*Original: English*]
[*5 March 1993*]

Upon instructions from my Government, I have the honour to enclose herewith a letter dated 5 March 1993 from Mr. Ali Akbar Velayati, Minister for Foreign Affairs of the Islamic Republic of Iran, to you, concerning the tragic situation in the Republic of Bosnia and Herzegovina.

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[*] Circulated under the double symbol A/47/904-S/25375.

I would appreciate if you would have the text of the present letter and the attachment circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Gholamali KHOSHROO
Deputy Permanent Representative
of the Islamic Republic of Iran
to the United Nations

LETTER DATED 5 MARCH 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE ISLAMIC REPUBLIC OF IRAN TO THE SECRETARY-GENERAL

In the name of God, the Compassionate, the Merciful

The people and Government of the Islamic Republic of Iran received with shock, indignation and outrage the news of fresh and intensified Serbian aggression and barbarism against the defenceless people of eastern Bosnia. What is taking place in the Republic of Bosnia and Herzegovina today is in fact the shameless continuation of the abhorrent policy of ethnic cleansing perpetrated by the Serbs in order to create the Greater Serbia.

The latest report of the Office of the United Nations High Commissioner for Refugees (UNHCR) on the atrocities being committed by the Serbs point to the fact that Serbian forces are engaged in a large-scale massacre of Muslims in eastern Bosnia. Different information in public domain have also confirmed that the Serbian forces are killing Muslims, shelling the Muslim populated areas and forcing them to evacuate the cities in continuation of the abhorrent practice of "ethnic cleansing".

Since the beginning of the crisis in Bosnia and Herzegovina, the Security Council has adopted several resolutions and statements - the latesf of which is the Presidential statement of 3 March 1993 [*S/25361*] - calling for a cease-fire and an end to hostilities. These calls, which have regrettably lacked any meaningful enforcement mechanism or even serious political will to that effect, have gone unheeded by the Serbian aggressors who have intensified their aggression and onslaught against the Republic of Bosnia and Herzegovina with impunity. In view of the persistent Serbian intransigence and their blatant violations of every rule of humanity and universally recognized international humanitarian law, as well as their total disregard for the decisions of the international community, particularly those of the United Nations, the Security Council should reconsider its approach to this grave tragedy, remedy its past mistakes and begin to reverse the Serbian aggression and atrocious crimes by the full use of its authority under the Charter of the United Nations.

In this connection, the Government of the Islamic Republic of Iran, like the majority of the membership of the international community, believes that in order to put an end to the Serbian aggression, the Security Council should adopt the following measures immediately:

(1) Since all parties involved in Bosnia and Herzegovina have signed the military agreement, the Council should immediately call for the cessation of hostilities and take effective measures prescribed in Chapter VII of the Charter to stop continued Serbian aggression against Bosnian towns and villages, including those under occupation, siege and daily shelling;

(2) The war crimes tribunal should in fact be established without further delay and aggressors and criminals should be tried and punished in accordance with international law;

(3) The Security Council should enforce its resolution 770 (1992) expeditiously in order to guarantee the delivery of humanitarian assistance to all parts of Bosnia and Herzegovina.

Unless and until the Security Council succeeds in stopping the onslaught and genocide of the defenceless population of Bosnia and Herzegovina by the armed and well-equipped Serbs, the preclusion of the Government and people of Bosnia and Herzegovina to exercise their inherent right to self-defence is not only unjust but morally and legally unjustified. If the Security Council is not prepared to shoulder its responsibilities by stopping the aggression and restoring Bosnia and Herzegovina's sovereignty, territorial integrity and national unity, it should at least enable the Bosnians to do so themselves through the lifting of the arms embargo on Bosnia and Herzegovina.

DOCUMENT S/25378

Letter dated 5 March 1993 from the representative of Azerbaijan to the Secretary-General

[*Original: Russian*]
[*6 March 1993*]

I have the honour to transmit herewith the text of a statement by the President of the Azerbaijani Republic, Mr. A. Elchibey, on revealing the truth about crimes committed against Azerbaijanis and perpetuating the memory of the victims of Armenian terrorism.

I should be grateful if you would arrange to have this letter circulated as a document of the Security Council.

(*Signed*) Hassan A. HASSANOV
Permanent Representative
of Azerbaijan
to the United Nations

TEXT OF THE STATEMENT

The forces which today are encroaching on Azerbaijani lands with the insane idea of creating "Greater Armenia from sea to sea" have, for more than 170 years, been carrying out, openly or covertly, a policy of genocide against Caucasian Turkic peoples.

After the Russian Empire captured the Caucasus and, in particular, after the destruction of the Baku, Derbent, Kuba, Shcheka, Shirvan, Lenkoran, Gyandzha, Karabakh, Nakhichevan, and Erivan khanates, a consistent mass settlement of Armenians in age-old Azerbaijani lands and the expulsion of Azerbaijanis began. For that purpose, a special Armenian area called the Armenian Region was established, which subsequently became the province of Yerevan. The people of northern Azerbaijan, which was divided into five parts according to provinces, was subjected, within the framework of the colonial provinces, to merciless Armenian and imperial oppression.

Historical facts indicate that in 1828 and 1829 alone, 130,000 Armenians from countries in the Middle East were resettled in lands which were now called Armenia; another 600,000 Armenians came subsequently. In this way, the area's population increased from 161,700 in 1831 to 1,014,000 in 1914. At the same time, a total of 1.5 million Azerbaijanis were expelled from these territories.

From 1905 to 1907 and from 1914 to 1920, bloody clashes and massacres were provoked and approximately half a million people fell victim to overt Armenian terror.

As a result of the adventurous Dashnak policy of "cleansing" (elimination of Turkic peoples), the number of Azerbaijanis living in Armenia decreased from 575,000 in 1918 to 11,000 in 1920, that is, 98 per cent were annihilated or expelled. In spite of the fact that

Azerbaijanis were partially repatriated in subsequent years to their native lands and that in 1979 their numbers had increased to 161,000, the size of this ethnic group was not restored and it decreased, compared to its former size, by 3 and 1/2 times. In Azerbaijan, on the other hand, newly arrived Armenians settled down and their numbers increased from 240,000 in 1922 to 483,500 in 1970, in other words, they more than doubled.

From 1918 to 1920, atrocities were committed against Azerbaijanis throughout Armenia. Totally innocent men, women and children were subjected to unbelievably cruel torture and were killed. According to reports in the Armenian, Georgian, Azerbaijani and Turkish press, 60 villages were destroyed and the entire male population killed in the districts of Igdir and Echmiadzin; 22 villages were destroyed and 60,000 persons killed in the province of Geicha, 84 villages and 15,000 homes were destroyed in Eni Bayazida; all the villages in the district of Yerevan and 96 villages and towns in the districts of Echmiadzin and Syurmala were destroyed; and 115 villages were destroyed and approximately 10,000 persons, including 4,472 women and children, were killed in the district of Zangezur. An appeal by Muslims living in the province of Yerevan addressed to the United States in 1919 indicated that 88 villages had been destroyed, 1,920 homes burnt down and 131,970 men killed. During those same years, in the mountainous and foothill areas of Karabakh approximately 150 Muslim villages were completely destroyed and the entire population plundered; part of the population was killed and the remainder was expelled by force of arms.

In 1918, members of the Dashnak movement killed tens of thousands of peaceful citizens in Baku, Shemakha, Kuba and other areas. In the mountain park in Baku alone, 18,000 victims of genocide were buried. In May 1920, the invading eleventh Red Army, with direct help from the Armenians, killed more than 12,000 Azerbaijanis in Gyandzha.

Research shows that the number of Azerbaijanis, Turks and Kurds who were killed, wounded, or forcibly expelled, or who incurred material damage through Armenian terrorism in only two massacres that occurred in the Transcaucasian region in the first quarter of this century amounted to 2 million. The peaceful Azerbaijani population was plundered and persecuted in 1907 by the 100,000-man Armenian army, called the "Zinovary", in 1918 by Dashnak regiments in Baku and the Armenian military-terrorist "Chëtnik" and "Khmbabet" detachments in Karabakh and Zangezur, and in 1920 by the so-called Andronik "volunteer corps" and the 40,000 members of the armed forces of the Dashnak Government.

This national massacre was completed by the concession to Armenia of age-old Azerbaijani lands covering a total area of 9,800 square kilometres in the Basarkechars area of the district of Eni Bayazida, the Vedibasar area of the district of Yerevan, and the Zangezur district of the province of Gyandzha, which whet the usurpers' appetite for further territorial claims.

Leading Armenian officials, particularly the Shaumyan, Mirzoyan and Mikoyan group, caused great harm to our people by conducting an anti-Turkic policy in the Republic for many years. Owing to their criminal acts, the repression under Stalin and Beria was particularly severe in Azerbaijan. During the period of the totalitarian regime, hundreds of thousands of Azerbaijanis, primarily members of the intelligentsia, were subjected to cruel persecution and branded "enemies of the people", "kulaks", "nationalists", "panturkists", and "panislamists", and were shot or exiled to Siberia, Kazakhstan and Central Asia.

In Armenia, Azerbaijani cultural and historical monuments were plundered and mosques were destroyed; and the names of approximately 2,000 populated areas and place names of Azerbaijani origin were changed, including 465 villages during the period from 1933 to 1973 and 97 villages in April 1991. From 1947 to 1951, under the pretext of "expanding cotton production", 150,000 Azerbaijanis living in the mountainous part of Armenia were forcibly resettled in the Mugan and Mil steppe regions. The process of turning Armenia into a monoethnic republic was continued in subsequent years through various methods.

Beginning in January 1988, provocative anti-Turkic and anti-Muslim sentiments were openly supported in Armenia. In Kafan, Yerevan, Masis, Dilidjan, Sisian, Kirovakan, Gukarka and other populated areas, acts of mass vandalism were carried out, as a result of which 225 persons were killed and 1,154 wounded, and 230,000 persons, including 15,000 Kurds and several thousand Russians, became refugees. The Armenians achieved their desired goal - creation of a monoethnic republic. Today in all of Armenia there is not a single Azerbaijani.

During the same period, the Karabakh adventure was under way and acts designed to instil fear in the Azerbaijani people were committed. In January 1990, troops of the empire were brought into Baku; peaceful inhabitants were shot; a curfew was imposed in the Republic for a long period; and mass arrests and other illegal acts were carried out.

For the fifth year now, Armenian armed forces have been waging an undeclared war in the territory of sovereign Azerbaijan. As a result, 119 Azerbaijani villages, towns and cities, including 56 populated areas in Karabakh, have been destroyed; and thousands of peaceful inhabitants, including women, children and elderly persons, have been killed or maimed. More than 230,000 persons have became refugees in their own land. The towns of Lachin and Shusha were occupied and burned to the ground. On 26 February 1992 the most horrible crime in recorded history was committed: more than 2,000 peaceful inhabitants of the town of Khojaly were shot in cold blood, maimed or taken prisoner by war criminals. The homes of approximately 10,000 persons were destroyed and their inhabitants were dispersed as refugees to other places.

Armenian terrorism, which was organized in the last century as a weapon of the empire against the Muslim population, knows no bounds. Not only in Azerbaijan but also in many other countries of the world the lives of hundreds of innocent persons have been taken, civilian aircraft and helicopters have been destroyed, passenger trains, buses and vessels blown up, and institutions and homes set on fire.

Drawing the attention of the world community to the fact that Armenians are resorting to cruel and, at the same time, senseless acts in pursuit of their criminal objectives, condemning all manifestations of terrorism and racial, national and religious intolerance and taking account of the moral and legal needs of those that have in one way or another suffered from violence, I consider it necessary to draw up a special juridical document on revealing the atrocities committed against Azerbaijanis and perpetuating the memory of the victims of Armenian terrorism and to refer all related questions to an in-depth discussion by the general public and political groups.

I believe that the opening of State and former party archives and a detailed analysis of all the documents and events will make it possible to restore the good name of thousands of innocent persons and show in its true light the difficult path traversed by our people. Responsible workers in relevant organizations and departments, first and foremost, members of the creative intelligentsia, should be involved in this task. I hope that carrying out this honourable mission will serve to protect human rights, affirm justice and restore the truth, which some have sought to expunge from history.

DOCUMENT S/25380

Note verbale dated 3 March 1993 from the mission of Botswana to the Secretary-General

[*Original: English*]
[*8 March 1993*]

The Permanent Mission of Botswana to the United Nations presents its compliments to the Secretary-General and has the honour to transmit for circulation a statement made by the Minister of Presidential Affairs and Public Administration, Lt. General M. S. Merafhe to the National Assembly on Botswana's participation in the United Nations operations in Mozambique and Somalia.

The Permanent Mission would be grateful if the statement could be circulated as a document of the Security Council.

TEXT OF THE STATEMENT

Mr. Speaker, we are all aware of the civil war that has been devastating Mozambique ever since its attainment of independence in 1975. We are also aware of the General Peace Agreement which was signed at Rome on 4 October 1992, by the President of Mozambique, Mr. Joachim Chissano, and RENAMO (Resistência Nacional Moçambicana) leader, Mr. Afonso Dhiakama [*S/24635, annex*].

Botswana has always been associated with efforts aimed at finding a peaceful solution to the conflict in Mozambique as a front-line State and a member of other regional and international organizations. Honourable members will recall that in September 1992, President Chissano and Mr. Dhiakama met here in Gaborone to talk about the prospects for peace in Mozambique. It was at that meeting that a common understanding for building peace in Mozambique was established. The Gaborone meeting was therefore a breakthrough.

Following the adoption of Security Council resolution 797 (1992) in December 1992, in which the Council decided to establish a United Nations Operation in Mozambique, Botswana was asked to contribute a battalion alongside other Members of the United Nations for the purpose of constituting a peace-keeping force in that country.

The purpose of the aforementioned resolution, amongst others, is to assist in creating an atmosphere conducive to the conduct of a general election in that country.

Botswana and Mozambique belong to the same region of southern Africa. We are both front-line States and members of SADC [*Southern African Development Community*] and other international organizations. Since the independence of Mozambique in 1975, the two countries have enjoyed cordial relations and fruitful cooperation. It is therefore only logical and natural that Botswana should accept the invitation from the United Nations to serve in the United Nations Operation in Mozambique. Accordingly, Botswana will send a battalion consisting of 670 members of the Botswana Defence Force to participate alongside other international forces. We accept this invitation not only because Mozambique is a friend and partner in development, we accept it also because Botswana has the obligation to assume its responsibilities to advance the cause of peace, democracy and human rights under the auspices of the United Nations.

I am confident that this Honourable House and the Nation at large will now have a clear indication of why the Botswana Defence Force personnel are being deployed as part of the United Nations Operation in Mozambique.

I wish to take this opportunity to brief the House about the continuation of our force in the humanitarian relief operation in Somalia.

Honourable members will recall that in the statement of 11 December 1992, delivered by my colleague, the Minister for Commerce and Industry, it was indicated that the mission to Somalia was conceived as a short-term operation, for the purpose of bringing humanitarian relief to the people of Somalia. By all accounts, the Unified Task Force or Operation Restore Hope in Somalia has been highly successful. Feeding centres have been established and transport routes to these centres have been opened. As I briefed the House on my visit to Somalia recently the Botswana Defence is performing excellently in these operations.

The United Nations Secretary-General has formally requested Botswana to participate in the second phase of the United Nations Operation in Somalia. It would have been very difficult to turn down the request from the United Nations. Botswana has contributed to what has turned out to be a successful operation in phase one. It is only logical that we continue in phase two. In addition, phase two will be a purely United Nations operation. Botswana must be seen to shoulder its responsibilities in the United Nations when the opportunity arises. The Somali tragedy is a humanitarian cause which we must champion as a democratic country. However, Botswana's participation in phase two will be reduced from the current level of 300 to 200 men, in the light of manpower constraints.

Before concluding my statement, Honourable members may wish to know that the costs of our participation in both Somalia and Mozambique will be borne by the United Nations.

DOCUMENT S/25382*

Letter dated 8 March 1993 from the representative of Yugoslavia to the Secretary-General

[*Original: English*]
[*8 March 1993*]

I have the honour to transmit herewith a letter from Mr. Radoje Kontić, Prime Minister of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have the text of the present letter and the attachment circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 8 MARCH 1993 FROM THE PRIME MINISTER OF THE FEDERAL REPUBLIC OF YUGOSLAVIA TO THE SECRETARY-GENERAL

In the letter I sent to you on 29 January 1993 [*S/25193*], I addressed a request to you to recommend to the Security Council the extension of the mandate of the United Nations Protection Force (UNPROFOR) for a further 12-month period. The Security Council has approved your report and the recommendation made on 10 February 1993 [*S/25264*] and has made a decision to extend provisionally the UNPROFOR mandate until 31 March 1993.

In keeping with Security Council resolution 807 (1993) of 19 February 1993, I wish to inform you that the Government of the Federal Republic of Yugoslavia is of the view that it is indispensable for the UNPROFOR mandate to be further extended even after 31 March, and that its efficient operation should be ensured in compliance with the peace keeping operation plan, established by Council resolution 743 (1992) of 21 February 1992, this being the only way security and stability can be preserved in the United Nations Protected Areas.

The presence of UNPROFOR, as emphasized in my last letter, made it possible to maintain fragile peace in the United Nations Protected Areas. Thereby, further confrontation and an escalation of the war have been avoided. Some initial results of the negotiating process are in sight, with the Federal Republic of Yugoslavia taking a very active part in them, even though it is not directly involved in the conflict.

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*Circulated under the double symbol A/48/99-S/25382.

Regrettably, the continuous Croatian aggression in the United Nations Protected Areas, notwithstanding the strongest Security Council condemnation, is a classical example of a flagrant violation of the Charter of the United Nations and the Vance plan; the Federal Republic of Yugoslavia resolutely supports the plan and seeks to see its provisions fully implemented.

By its present aggression on the Serbian population in the United Nations Protected Areas, Croatia is seeking to continue what it started a year ago. In so doing, it does not even shirk from attacking UNPROFOR forces. The Croatian refusal to carry out the provisions of Security Council resolution 802 (1993), its continual announcements of its readiness to invade the United Nations Protected Areas, the build-up of fresh troops at the Krajina borders, as well as its armed and other provocations at its border with the Federal Republic of Yugoslavia in the Prevlaka peninsula region, pose the danger of a further escalation and intensification of the war in this area and the imminence of a dramatic deterioration of the situation there.

The Government of the Federal Republic of Yugoslavia is in full agreement with the assessment expressed in your report dated 10 February 1993, to the effect that the withdrawal of the United Nations protection forces from the United Nations Protected Areas would "almost certainly result in the resumption of large-scale hostilities in the areas where they are deployed".

Given the reasons adduced, it is obvious that the presence of United Nations peace forces is even more necessary now than a year ago to protect the Serbian people in the Krajinas. There is no doubt that keeping peace and security in these areas directly contributes to the Geneva and New York negotiating processes.

In view of the fact that, on the basis of your report, a new Security Council decision is pending on the extension of the UNPROFOR mandate, please take note of the fact that the presence of UNPROFOR in the protected areas is an essential factor for the creation of the necessary conditions for the reaching of a political settlement of the problem. In your efforts, you can count, as always, on the full cooperation and assistance of the Government of the Federal Republic of Yugoslavia.

I avail myself of this opportunity to thank you once again for your understanding and efforts.

I look forward to a positive Security Council decision on the extension of the UNPROFOR mandate for the next 12-month period.

(*Signed*) Radoje KONTIĆ
Federal Prime Minister

DOCUMENT S/25384

Letter dated 8 March 1993 from the representative of Kuwait to the President of the Security Council

[*Original: Arabic*]
[*9 March 1993*]

On instructions from my Government, I have the honour to inform you of new developments with regard to the continuing Iraqi assertions that Kuwait belongs to Iraq. I do so because of the danger that such claims pose to the security and stability of the Gulf region and because they are irrefutable proof of the aggressive designs of the Iraqi regime against Kuwait and a flagrant violation of Security Council resolution 687 (1991).

As you know, the President of the Security Council made an introductory statement at the formal meeting of the Council held on Monday, 23 November 1992 [*3139th meeting*], that was devoted to an assessment of Iraq's compliance with the specific obligations imposed by the relevant Security Council resolutions. In that statement, the President, on behalf of the members of the Council, expressed dismay at the letter from the Minister for Foreign Affairs of the Iraqi regime recalling past Iraqi claims to Kuwait. The President also indicated that the members of the Council firmly rejected any suggestion that tended to dispute the existence of Kuwait.

Despite the demand of the members of the Security Council and their emphasis on the danger posed by its claims to Kuwait and on the need for it to desist from such claims which are counterproductive to the achievement of peace in the region, the practices of the Iraqi regime have continued and have perhaps even become more strident than in the past. For purposes of illustration, and without attempting an exhaustive enumeration, the following can be cited:

- David Frost's telephone interview with Tariq Aziz, Deputy Prime Minister of the Iraqi regime, on Sunday, 31 January 1993, revealed the true nature of Iraq's purely outward and tactical compliance with the relevant resolutions with a view to securing an end to the economic sanctions and then resuming its well-known policies of aggression. This is evidenced by the following facts:
    - The answers of the Deputy Prime Minister of the Iraqi regime to the questions put to him were evasive and vague, and they raise a number of questions. When asked if, when he had said on a previous occasion that the Kuwait chapter was closed, he had meant that he recognized Kuwait as an independent sovereign State, he answered that he would stand by what he had said before and did not wish to elaborate on the question because that might distort the Iraqi position at present and he did not wish it to be considered from that angle.
    - When asked if that answer meant that Iraq had no new ambitions with regard to Kuwaiti territory, he answered that at present Iraq's position was to accept resolution 687 (1991).

We and the members of the Security Council are entitled to ask the reason for this vagueness and the meaning of the statement that he did not wish to elaborate on the question because that might distort the Iraqi position. What is the Iraqi position on this question? What does Tariq Aziz mean by his answer that at present Iraq's position is to accept resolution 687 (1991)? Does that mean that there are other positions that Iraq intends to adopt in future with regard to the resolution?

We believe that Iraq's true and manifest position with regard to these questions is explicitly and unequivocally expressed in the statements on the subject of Kuwait made repeatedly in its information media and by Iraqi officials. The article on Kuwait recently published on the front page of the Iraqi newspaper *Al-Jumhuriyah* on 28 February 1993 perhaps reflects the true conviction of the Iraqi leadership. The newspaper, a mouthpiece of the Iraqi Government, states:

> "Kuwait is a precious and beloved part of the national territory, and it first achieved its freedom when it returned to the fold of the nation on 2 August 1990, the day of the reconquest of Kuwait by the Iraqi forces."

The newspaper goes on to say:

> "Kuwait was not liberated from Iraq but was separated from it only to fall under colonial occupation on 28 February 1991. The Kuwaitis should be ashamed to celebrate the liberation of Kuwait, because it still remains an integral part of Iraq."

The entire world recognizes the falsity of the Iraqi claims that Kuwait belongs to Iraq and is aware of their purpose and their true nature. This fact is so obvious that even the Iraqi leaders themselves and their information media have been unable to ignore the true nature and purposes of these claims, based as they are on expansionism and ambition. On 27 February 1993, the newspaper *Babel*, whose editorial board is chaired by Udayy Saddam Hussein, son of the President of the Iraqi regime, revealed the major objective of these claims. It carried an article by a certain Abu Hatim entitled "The Question" that appears to be a true acknowledgement of what the Iraqis want of Kuwait. The writer asks:

> "What if Kuwait were to remain in our possession? Does not this precious goal and great objective deserve such sacrifices? Kuwait, with the oil and world reserves that its territory contains, with what it adds to Iraq's budget and its oil stocks and with its buildings and institutions, maritime supplies and ports and related facilities, is, in the long-term, the answer."

The author of the article concludes by confirming a fact still denied by the Iraqi leadership, namely the deliberate theft and pillage of Kuwaiti property belonging to the Government and private sectors, and he gives the reason that all such property has not been returned when he writes:

> "Kuwait is both presently at our disposal and not at our disposal. Everything built since the aggression has been built with materials partly originating in Kuwait."

This testimony from the Iraqi information media deserves to be included in the documentation of the Compensation Commission.

You must be aware that persistence in such an approach on the part of the Iraqi regime has the goal of keeping the Gulf region in a state of tension and instability. The Iraqi claims cannot be ignored by saying that they are destined for internal consumption or that they represent talk of past history, as asserted by the Deputy Prime Minister to the members of the Security Council on 23 November 1992 [*3139th meeting*]. Even if that were so, they still impinge on the sovereignty and independence of Kuwait, a Member State of the United Nations and of the League of Arab States. Furthermore, over and above their defiance and rejection of the substance of the Security Council resolutions in their legal and political interpretations, such claims poison Iraqi public opinion with lies that will most assuredly have adverse repercussions on the future security and stability of the region.

We do not for a moment doubt that the Security Council will condemn in the strongest terms the reiteration of such Iraqi claims and will consider them an unequivocal retraction of the unconditional acceptance of resolution 687 (1991). The Security Council, on the basis of its responsibility for peace and security in the world, must therefore take appropriate measures to ensure Iraq's compliance with the letter and substance of its relevant resolutions, principally by desisting forthwith from reiterating such claims as constitute defiance of the Council and of the international community and by respecting the independence and sovereignty of Kuwait within its internationally recognized borders.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammad A. ABULHASAN
Permanent Representative
of Kuwait to the United Nations

DOCUMENT S/25385

Note verbale dated 8 March 1993 from the mission of Rwanda to the Secretary-General

[*Original: French*]
[*9 March 1993*]

The Permanent Mission of Rwanda to the United Nations presents its compliments to the Secretary-General and has the honour to transmit to him herewith the text of the joint communiqué issued at the end of the high-level meeting between the Government of the Rwandese Republic and the Rwandese Patriotic Front, held at Dar-es-Salaam, United Republic of Tanzania, from 5 to 7 March 1993.

In this connection, the Permanent Mission of Rwanda wishes to draw the attention of the Secretary-General to the resumption of peace negotiations on 15 March 1993, as stipulated in Arusha.

The Permanent Mission of Rwanda would be grateful to the Secretary-General if he would circulate this note and the communiqué as a document of the Security Council.

TEXT OF THE COMMUNIQUE

[*Original: English/French*]

1. The delegations of the Government of the Rwandese Republic and of the Rwandese Patriotic Front, led respectively by Mr. Dismas Nsengiyaremye, Prime Minister of the Rwandese Republic, and by Colonel Alexis Kanyarengwe, Chairman of the Rwandese Patriotic Front (RPF), met at Dar-es-Salaam, United Republic of Tanzania, from 5 to 7 March 1993, under the auspices of the Prime Minister and First Vice-President of the United Republic of Tanzania, Mr. John S. Malecela, representing the Facilitator, to discuss matters related to the consolidation of the cease-fire agreement and to the creation of an atmosphere conducive to the resumption of the Arusha peace talks.

2. At the conclusion of their talks, the two parties agreed as follows:

Commitment to a negotiated settlement

A. The two parties solemnly declared that the conflict in Rwanda could be resolved only by peaceful means, and, in this regard, reaffirmed their commitment to a negotiated settlement within the framework of the Arusha negotiations.

B. They reiterated their acceptance of all protocols and agreements concluded as part of the Arusha peace process as binding, and also undertook to respect those to be concluded on the outstanding issues.

Consolidation of the cease-fire agreement

C. The two parties, on the basis of the recommendations adopted at the meeting in Bujumbura between the political parties participating in the Government and RPF, held from 25 February 1993 to 2 March 1993, reaffirmed their commitment to respect the N'sele Cease-Fire Agreement, as amended at Arusha on 12 July 1992, and undertook to restore and consolidate the cease-fire on the following terms:

I. The effective date for the cessation of hostilities shall be Tuesday, 9 March 1993 at midnight, Rwanda time.

II. The identification and mapping of the positions of the Rwandese armed forces by the Neutral Military Observer Group (NMOG) shall be carried out from 10 to 13 March 1993.

III. The Rwandese armed forces shall remain in the positions so identified and mapped.

IV. Foreign troops shall withdraw and shall be replaced by a neutral international force which shall be organized under the aegis of the Organization of African Unity (OAU) and the United Nations and, in accordance with article II.6 of the agreement signed on 12 July 1992, shall have a humanitarian mission. This force shall normally be based in Kigali and its task shall be to help allay the fears and, in particular, ensure the security, of the expatriates wherever they may be.

V. The two parties agreed on the modalities of the implementation of the preceding paragraph. These mandates are contained in a confidential document known to the Facilitator.

VI. By 13 March 1993, the Rwandese Government shall suspend and dismiss and, without prejudice to judicial proceedings, take any other administrative measures against all public officials who were directly or indirectly involved in, or who failed to prevent, massacres or other acts of intercommunal violence. The measures to be implemented by this date are the ones recommended in the Evaluation Commission report and in respect of recent flagrant cases. RPF shall provide a list of other officials deemed to fall into the same category, and the Government of Rwanda shall take appropriate measures, after evaluation of each case, by 31 March 1993.

VII. The withdrawal of RFP forces to positions they occupied before 8 February 1993, shall take place under the supervision of NMOG between 14 and 17 March 1993.

VIII. Upon non-compliance with the above agreed modalities, both or one of the parties may request the Facilitator and/or the Secretary-General of OAU to be seized of the matter.

IX. The resumption of the Arusha negotiations on the outstanding issues shall take place on Monday, 15 March 1993. The negotiations should be completed within three weeks, and a peace agreement should be signed by the first week of April 1993.

X. The Secretary-General of the OAU, in his capacity as the supervisor of the NMOG, shall be requested to extend the mandate of the NMOG and to mobilize additional resources to enable it to fulfil its mission.

Negative radio propaganda and war preparations

3. In order to contribute to the creation and enhancement of the necessary atmosphere conducive to the continuation of the peace process, the two parties undertook to refrain from engaging in negative propaganda through any public media or through public meetings likely to incite people to hatred and violence and undermine national reconciliation. They also undertook to desist from fresh recruitment, the acquisition of new weaponry intended for supply to the forces in the field and the distribution of arms to the civilian population. In this regard, NMOG should ensure the strict monitoring of the activities of the two forces in their respective zones.

Displaced persons

4. The two parties expressed concern over the plight of the displaced persons, in particular women and children, who are the most vulnerable. In this regard, they committed themselves to providing adequate security and protection to the displaced persons. They undertook to create corridors of tranquillity in the conflict zones to facilitate the transportation and delivery of relief supplies to the displaced persons. The two parties also undertook to create the necessary conditions for the early return of the displaced persons to their homes.

5. The two parties reiterated their appeal to the international community and to humanitarian agencies to provide increased and adequate relief assistance to the displaced persons.

Conclusion

6. The two parties expressed their heartfelt gratitude to the Facilitator, Mr. Ali Hassan Mwinyi, President of the United Republic of Tanzania, and to the Tanzanian Government and people for their commitment to, and support in, the search for peace in Rwanda, as well as for the warm hospitality accorded to them.

7. Lastly, the two parties expressed their appreciation to the current Chairman of OAU, President Abdou Diouf of Senegal, to the Secretary-General of OAU, Mr. Salim Ahmed Salim, and to all observer countries and organizations for their invaluable support and assistance.

DONE at Dar-es-Salaam on 7 March 1993.

For the Government of the
Rwandese Republic

(*Signed*) Dismas NSENGIYAREMYE
Prime Minister of the
Rwandese Republic

For the Rwandese Patriotic
Front

(*Signed*) Col. Alexis KANYARENGWE
Chairman of the
Rwandese Patriotic Front

In the presence of the representative
of the Facilitator (United
Republic of Tanzania)

(*Signed*) Hon. John S. MALECELA
Prime Minister and First Vice-President
of the United Republic of Tanzania

DOCUMENT S/25386

Letter dated 9 March 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

[*Original: English*]
[*9 March 1993*]

I have the honour to transmit herewith the order of Comrade Kim Jong Il, Supreme Commander of the Korean People's Army, which was issued on 8 March 1993.

I should be grateful if you would have the present letter and the annex circulated as a document of the Security Council.

(*Signed*) PAK Gil Yon
Permanent Representative
of the Democratic People's Republic
of Korea to the United Nations

ANNEX

Order of Comrade Kim Jong Il, Supreme Commander of the Korean People's Army, dated 8 March 1993

In spite of the strong protest and denunciation by all the Korean people and the world's revolutionary people who love peace and oppose war, the United States imperialists and the south Korean puppet clique have at last started an adventurous joint military exercise, "Team Spirit 93".

The war exercise "Team Spirit", conducted jointly by the United States imperialists and their south Korean puppets, is thoroughly aggressive in its content and character. It is a preliminary war and a test nuclear war aimed at a surprise, preemptive strike at the northern half of our Republic.

The staging of the joint military exercise "Team Spirit 93" at a time when the Agreement on Reconciliation, Non-aggression, Cooperation and Exchange and the Joint Declaration of the Denuclearization of the Korean Peninsula[2] to remove the danger of a nuclear war have been adopted and made effective on the Korean peninsula is an act of extremely dangerous and grave military provocation that can never be justified.

The United States imperialists are now conducting a war exercise reeking heavily with powder smoke by bringing a large number of new-type fighters and warships equipped with nuclear weapons and various other means of nuclear strike into the Korean peninsula and the waters surrounding it, and by mobilizing more than 200,000 aggressive troops including the "quick reaction deployment force" from the United States mainland, Guam, Hawaii, Japan and other United States military bases in the Asia and Pacific region.

As a result of the aggressive joint military exercise "Team Spirit 93" launched by the United States imperialists and the south Korean puppet clique, a hair-trigger situation has been created in our country in which a war may break out at any minute.

All the compatriots in the north, south and abroad who eagerly desire the independent and peaceful reunification of their country cannot repress the surging feelings of hatred for and resentment at the United States imperialists and the south Korean puppet clique who are staging again the joint war exercise, "Team Spirit 93", ignoring the sincere efforts made by our Party and the Government of our Republic to ease the tension in the country, ensure peace and denuclearize the Korean peninsula.

All our compatriots are scathingly condemning the war exercise as an intolerable act of crime against peace and reunification.

The United States imperialists are watching for a chance to provoke a new war by mobilizing all types of modern weaponry, with the spearhead of their aggression directed at the northern half of our Republic, but they are grossly mistaken.

The Korean people is not a people who would be frightened by the "Team Spirit" joint military exercises the enemy is staging by throwing in hundreds of thousands of troops and weapons of mass destruction, and ours is not an army that would shrink back in fear of war.

Today we have the heroic Korean people and the People's Army, each soldier of which is a match for a hundred foes.

They defeated the 1-million-strong Kwantung army of the Japanese imperialists even in the snowstorms of Mount Paektu and the armies of the imperialist United States and its 15 satellite States in the fatherland liberation war.

We also have the strength of the leader, the Party and the people united in one mind and the unbreakable force of the blood-sealed ties of kinship between the Army and the people.

Our People's Army has now been strengthened into invincible, revolutionary armed forces equipped with modern means of attack and defence, the entire people are under arms and the whole country has become fortified. We are fully prepared for annihilating whatever aggressors at a blow.

Our people, who hold dear the independence of the nation and peace of the country, do not want war, but we will not beg for peace at the expense of our dignity.

If the United States imperialists and the south Korean puppets provoke a new war, our people and the People's Army will fight to the last for the sake of the Party, the leader and our style of socialism centred on the popular masses that has been achieved at the cost of blood, thus dealing a crushing blow to the aggressors and exalting the dignity and honour of heroic Korea once again.

The enemy must know clearly that he cannot trample upon an inch of land and a blade of grass in our Republic with impunity.

In view of the grave situation prevailing in our country owing to the machinations of the United States imperialists and the south Korean puppets to provoke another war and as self-defensive measures for safeguarding the security of our Republic and people, I order as follows:

1. The whole country, all the people and the entire Army shall switch over to a semi-war stage from 9 March 1993.

2. All the soldiers of the three services of the Korean People's Army - army, navy and air force - and of the Korean People's Security Forces and all the members of the Worker-Peasant Red Guards and the Young Red Guards shall watch sharply every movement of the enemy with high revolutionary vigilance and be fully alert for action to crush the enemy at a stroke should he attack us at any moment.

3. All the people shall firmly equip themselves with our Party's Juche-oriented view on war and, with a hammer and sickle in one hand and a rifle in the other, make a great upswing in the socialist economic construction.

DOCUMENT S/25387

Letter dated 8 March 1993 from the representative of Iraq to the Secretary-General

[*Original: Arabic*]
[*10 March 1993*]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 8 March 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq.

I should be grateful if you would have this letter and the attachment circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

LETTER DATED 8 MARCH 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE SECRETARY-GENERAL

I should like to inform you of a serious matter that recently came to light when, in its issue of 2 March 1993, a copy of which I am transmitting to you,[*] the British publication *Mideast Mirror* reported that a unit of the Israeli Army had intended to assassinate President Saddam Hussein and that for two years the Israeli army command had been gathering information on the movements of President Saddam Hussein, with United States assistance, by means of reconnaissance aircraft and satellites.

Mideast Mirror states that on 5 November last an electronically guided body-heat-seeking missile equipped with sensitive tracking devices exploded at a training site at the Tze'elim base in the Negev desert killing five members of a special training unit of the Israeli army that was conducting drills in southern Israel with a view to assassinating President Saddam Hussein.

Mideast Mirror indicates that Major-General Amiram Levine, commander of the Israeli team charged with carrying out the assassination, had intended to lead a personal attack inside Iraq relying on the information gathered by the Israeli army command on the movements of President Saddam Hussein, with United States assistance, by means of satellites and reconnaissance aircraft.

The world information media have carried this information, which arouses strong indignation and anger by exposing the existence of criminal policies, acts and intentions that are incompatible with all international and moral principles, norms and laws.

The Government of the United States of America has been sending a U-2 spy-plane to fly about in Iraqi airspace since 12 August 1991. Not one week has elapsed since that time in which the United States spy-plane in question did not commit three or four violations of Iraq's airspace on the pretext of performing reconnaissance functions for the United Nations Special Commission. Furthermore, the United States U-2 spy-plane violates Iraqi airspace from a base in Saudi Arabia.

Iraq has protested in the strongest terms against these acts of espionage and has condemned them in the letters addressed to you by its Minister for Foreign Affairs. As of 3 March 1993, there had been 59 such letters referring to 118 violations of Iraq's airspace by the United States spy-plane in question.

In all of these letters, we have stated that the United States U-2 spy-plane is being used for purposes other than those established by the Security Council and that its activities are prejudicial to the sovereignty and security of Iraq.

We are providing you today with further proof of what we have told you in the past. The information published by *Mideast Mirror* has been reported by much of the world's press and information media, including the Israeli newspaper *Ha'aretz* in its edition of 4 March 1993, British newspapers such as *The Sunday Times* and the American television network CNN, and all of them confirm that the despicable Israeli scheme to assassinate President Saddam Hussein relied on United States assistance provided by means of reconnaissance aircraft and satellites.

We reiterate our official request for a halt to the use of the United States U-2 spy-plane by the Special Commission, because this aircraft is in fact being used for purposes other than those established by the Security Council and because its activities pose a threat to Iraq's sovereignty and security. It should be recalled that Iraq has on a number of occasions proposed alternatives that would meet the wishes of the Special Commission without impinging on Iraq's sovereignty and security.

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[*] The article is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

I request you to have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed Said Al-SAHAF
Minister for Foreign Affairs
of Iraq

DOCUMENT S/25389

Letter dated 9 March 1993 from the representative of Angola to the President of the Security Council

[*Original: English*]
[*10 March 1993*]

I have the honour to transmit a copy of a letter from Mr. Venancio de Moura, Minister of External Relations of the Republic of Angola, to the Secretary-General, with the request that it be circulated as a document of the Security Council.

(*Signed*) Afonso VAN DUNEM "MBINDA"
Permanent Representative
of Angola to the United Nations

LETTER DATED 5 MARCH 1993 FROM THE MINISTER OF EXTERNAL RELATIONS OF ANGOLA ADDRESSED TO THE SECRETARY-GENERAL

In pursuance of paragraph 8 of Security Council resolution 804 (1993) of 29 January 1993, the Government of Angola regrets advising that, regardless of all the efforts expended by it, by the United Nations Angola Verification Mission (UNAVEM II), through the Special Representative of the Secretary-General, and by the observers of the Angolan peace process, no real progress towards the implementation of the Peace Accords for Angola has been made up to the present time.

As is publicly known and has been corroborated by all the participants in the peace process (see attached communiqué from the "Troika" meeting of the observer countries from Lisbon (annex I), statement by the Special Representative of the Secretary-General from Addis Ababa (annex II), and communiqué from the observers, also from Addis Ababa (annex III)), the absence of such progress is due to the delegation of the Uniao Nacional para a Independencia Total de Angola (UNITA) not having appeared at the first Addis Ababa meeting mandated for immediate re-establishment of the cease-fire, as called for in paragraph 3 of the cited resolution, and not having shown up at the second meeting, thereby failing to fulfil its prior commitment to the Special Representative of the Secretary-General and not responding to the efforts and guarantees which, from Addis Ababa, all the delegations present made a point of reiterating.

In view of the gravity of the military situation in Angola, where UNITA's leadership, with the support of certain countries in the region, insists on stepping up its armed attacks and preventing the functioning of the country's legitimate democratic institutions and UNITA's refusal to re-establish a significant political dialogue demonstrating its will to abide, without exception, by the Peace Accords, the Government of Angola reaffirms its position *vis-à-vis* resolution 804 (1993):

1. It remains available for re-establishing immediately respect for the cease-fire and a permanent, significant dialogue with UNITA, with a view to drawing up a clear timetable for the full implementation of the Peace Accords, mainly by making use of the mechanisms provided for therein;

2. It assures total cooperation and collaboration with regard to the international guarantees provided for in the Peace Accords, reaffirming in particular, as established in the Namibe declaration, its interest in the qualitative and quantitative strengthening of the United Nations role;

3. It requests, under the terms of paragraph 18 of resolution 804 (1993), that the Security Council consider all appropriate measures for assuring full implementation of the Peace Accords, making UNITA in particular, respect the electoral results, return to the Angolan Armed Forces, vacate all the provincial towns occupied by force and put an end to the hostilities unleashed by it even before confirmation of the electoral results by the Special Representative of the Secretary-General on 17 October 1992;

4. It also requests from the entire international community, under the terms of paragraph 7 of the same resolution, the technical and economic assistance necessary for the reconstruction and development of the country.

5. It also considers that the Security Council must take into account, besides the reports of the Special Representative of the Secretary-General, the positions of the peace process observer countries that are reported in the communiqué of the Lisbon meeting (annex I).

(*Signed*) Venancio de MOURA
Minister of External Relations
of the Republic of Angola

ANNEX I

Communiqué of the "Troika" released on 1 March 1993 concerning Addis Ababa II

The representatives of the observer countries of the peace process in Angola have confirmed that, due to UNITA's failure to meet its commitment to travel to Addis Ababa, the second meeting between delegations of the Government of Angola and of UNITA, organized under United Nations auspices, has not materialized.

They also confirmed the presence in the Ethiopian capital of the remaining participants in the meeting, in particular that of the Government of Angola.

Thus, all efforts developed previously on that same spot by the Special Representative of the Secretary-General and by the Government of Angola for the holding of this meeting, in particular to assure the UNITA delegation of the travel and security conditions demanded by the leadership of that party and guaranteed by the Government, have come to naught.

In the sequence of what was agreed on in the latest meeting of the observers at the political level, held at Lisbon, the representatives of the observer countries will now proceed with consultations in the respective capitals with a view to taking a position *vis-à-vis* continuation of the conflict that prevents full-scale application of the Peace Accords for Angola and UNITA's refusal to show up at the second Addis Ababa meeting.

ANNEX II

Statement to the press made by Miss Margaret J. Anstee, Special Representative of the Secretary-General in Angola, on 1 March 1993

Yesterday morning, I was informed by two UNITA representatives present here, coming out of Angola, that they had received, the night before, a telephone call from General Manuvakola, the head of the UNITA delegation to the talks on peace in Angola that were to have begun on 26 February. General Manuvakola expressed his thanks to UNAVEM for the efforts made to supply transportation and the safety guarantees to enable the participation of his delegation in the meeting. However, UNITA's leadership still considered that the danger involved was too great, in view of the fact that the provisions made implied prior communication of the time and place of departure of the UNAVEM plane, and they preferred, therefore, to supply their own transportation, which would take several days and, seeing that they could not specify a precise date for the arrival of their delegation, they requested a postponement of the meeting and reaffirmed that they continue to be deeply interested in taking part therein.

I explained to the UNITA representatives that a postponement *sine die* was not possible or acceptable and I reiterated my points of view that the provisions made by UNAVEM with regard to transport provided all necessary safety guarantees, as well as my appeal of the previous day for an immediate truce throughout the national territory, which should completely dispel such worries

At my suggestion, the UNITA representatives met later with the government delegation I also had personal meetings with the government delegation and with the representatives of the three observer countries of the Peace Accords Last night, in a final meeting with UNITA representatives, I informed them that the United Nations wanted to receive by 9 a m today, a clear indication from the UNITA leadership that it would arrive here in time to enable the already delayed talks about peace to begin on Tuesday, 2 March In case of a negative reply, even though I had assured them that the provisions were adequate, the meeting would be cancelled and the delegations of the Government, the three observer countries, and UNAVEM would return immediately to Angola I explained clearly the very serious consequences of such a result and that UNITA would be considered responsible for the breakdown of the talks

Very early this morning, the UNITA representatives informed me that their leadership, having discussed my message, still considered that the dangers were too great to use the UNAVEM plane Although they had already made their own provisions, their delegation could not be in Addis Ababa in time to be able to begin the meeting tomorrow or even on Wednesday They maintained, however, their request for postponement of the meeting without an exact date by which they could confirm definitively their availability UNITA reiterated its desire to engage in peace talks

These occurrences left me with no alternative but to cancel this second round of talks about peace in Addis Ababa It is a decision I made with the greatest regret This result is a bitter deception for all of us engaged in the Angolan process, and especially for the Angolan people, who continue to be the victims of this savage war

Many things depended on this meeting in Addis Ababa, the last in a series of aborted attempts to establish a cease-fire and put an end to the tragic cycle of violence and death in which Angola is once again immersed Cancellation of the meeting represents an unhappy set-back to the prospects for peace in the near future Although both the Government and UNITA have assured me of their commitment to dialogue and in seeking a political, not a military solution, it is difficult to conceive how these objectives can be achieved if it is not even possible, by reason of deep suspicion and lack of confidence, for the two parties to meet in the same place In addition to this, each set-back of this kind aggravates the mutual resentment and makes the path to be travelled even more difficult

In my Saturday statement, I described in detail the meticulous provisions made by the United Nations to assure the safe transport of the UNITA delegation to this location In addition to this, these provisions were discussed with UNITA for more than a week before the date scheduled for the opening of the meeting Although I may understand UNITA's preoccupation with the safety of its leaders, I can find no justification for its refusal to accept the guarantees furnished by UNAVEM, particularly when high-ranking military observers and other UNAVEM personnel were to have accompanied them

It is truly tragic that this crucial meeting, on which so many hopes and fears depended, should have failed for a reason of this kind I am grateful that the delegations of the Government and of the three observer countries of the Peace Accords had accepted the invitation of the United Nations to travel to Addis Ababa and had shown so much patience in these four days of waiting The most injured, however, are the long-suffering people of Angola, who continue to endure the calamitous effects of the civil war and of the destruction, putting thousands of families in mourning, leaving other thousands mutilated and homeless, indiscriminately devastating the lives of young and old alike, and destroying the resources of a potentially rich country

Given the collapse of the provisions made for this meeting, a cease-fire now appears further away than ever However, I insisted that both parties should respond favourably to my 28 February appeal for a truce, particularly to make possible the furnishing of the desperately needed humanitarian assistance

As for the next steps, I am informing the Secretary-General of what has happened and he, in turn, must inform the Security Council, which then will decide on the measures to be taken in the context of its resolution 804 (1993) adopted on 29 January 1993

It must be clear to all, inside and outside Angola, that continuation of the military actions brings victory to no one, but only more death and destruction to a people who have already suffered more than a human being can bear Unless this cycle of violence, vengeance and retaliation is abandoned, Angolans will face an even more desolate future A human catastrophe of incalculable proportions is already tragically visible

Despite this unhappy set-back in Addis Ababa, both Angolans and the international community must redouble their efforts to find a rapid solution It is never too late for peace

Last, but not the least, I would like to praise the Executive Secretary of the Economic Commission for Africa, the Deputy Secretary-General, Mr Layashi Yaker, and all his dedicated collaborators, for their always effective and valuable support in maintaining the conditions necessary for holding the meeting during the entire weekend, and for their patience in facing the delays and the constant changes in plans I offer you my apologies for all the inconveniences that we committed involuntarily and I thank you very cordially for your solidarity with our efforts to help Angola achieve peace

ANNEX III

Communiqué

Delegations of the United States of America, the Russian Federation and Portugal, headed respectively, by the Deputy Secretary of State for African Affairs, Herman Cohen, by the Director of the African Department of the Ministry of Foreign Affairs, Gregory Karassin, and by the Secretary of State of Cooperation, Briosa e Gala, met at Lisbon on 23 February 1993, to discuss the latest development in the situation in Angola and to prepare the second meeting of direct talks between the Government of Angola and UNITA, which will be held on 26 March 1993 at Addis Ababa under the auspices of the United Nations

The three delegations reaffirmed that the only political way out for Angola's post-electoral crisis lies in the observance of, and compliance with, the Peace Accords signed at Lisbon on 31 May 1991, and that the elections of 29 and 30 September 1992 were, as confirmed by the United Nations, generally free and fair, acknowledging, therefore, the legitimacy of the democratic institutions resulting therefrom

They agreed, also, on the essential role that the United Nations must perform in the implementation of the tasks necessary for a lasting solution of the present crisis in Angola

Relative to the Peace Accords, the observers discussed specific measures for assuring and strengthening the necessary steps for the conclusion of the process

In the first place, they agreed that the priority goal is the re-establishment of the cease-fire throughout the Angolan territory The Government of Angola and UNITA must agree on a specific timetable for implementation of the cease-fire and reactivate the mechanisms provided for in the Peace Accords However, they could immediately respond positively to the appeals for truce launched mainly by the International Committee of the Red Cross and by the United Nations, with a view to the provision of urgent humanitarian assistance to the neediest Angolan populations

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DOCUMENT S/25390

Letter dated 9 March 1993 from the representative of Angola to the President of the Security Council

[Original: English]
[10 March 1993]

I have the honour to transmit the following message of 8 March 1993 from Mr. Fernando José de Franca Dias Van-Dunem, President of the National Assembly of the Republic of Angola, with the request that it be circulated as a document of the Security Council.

(*Signed*) Afonso VAN DUNEM "MBINDA"
Permanent Representative
of Angola to the United Nations

TEXT OF THE MESSAGE

The National Assembly of the Republic of Angola, meeting currently in Luanda, having taken note of the United Nations Security Council meeting to discuss the situation in Angola;

Considering the urgent need for the implementation of Security Council resolution 804 (1993), which pointed to UNITA as the principal violator of the Peace Accords for Angola;

Considering the urgent need for the implementation of the guidelines contained in the communiqué of the "Troika" of observers of the Angolan peace process (United States of America, Portugal and the Russian Federation) in their recent meeting in Lisbon, in view of the manifest and continued failure on UNITA's part to abide by the peace process;

Considering that in complying with the Triple Zero option, the elected Angolan Government became a victim of that same option in view of UNITA's violations, with the assistance and intervention of some countries, in particular South Africa and the Republic of Zaire;

Considering the steady worsening of the war situation, with the systematic massacre of people, the destruction of cities and economic and social infrastructures, and the increasing suffering of the Angolans reduced to hunger, thirst and poverty;

It makes an urgent appeal to the Security Council so that it will take the steps that are required:

(*a*) To condemn unequivocally the aggressor and violator of the Peace Accords, of the pertinent Security Council resolutions, and of the decisions of the "Troika" of observers;

(*b*) To release the elected Angolan Government from compliance with the Triple Zero option, acknowledging the right to which it is entitled of having recourse to Article 51 of the Charter of the United Nations, in order to guarantee the security of the defenceless people and the integrity of its borders;

(*c*) To provide for the adoption of effective international sanctions against UNITA if it does not stop the war immediately and if it fails to conclude, within a reasonable period, the unconditional withdrawal of its troops from all the areas and towns occupied after the 29 and 30 September 1992 elections, as well as its total billeting and disarmament, in this way creating the conditions for the resumption and conclusion of the Peace Accords.

(*Signed*) Fernando José de Franca DIAS VAN-DUNEM
President of the National Assembly

DOCUMENT S/25391

Letter dated 8 March 1993 from the representative of Iraq to the Secretary-General

[*Original: Arabic*]
[*10 March 1993*]

On instructions from my Government, I am pleased to transmit herewith two information bulletins concerning the steps taken by the Iraqi side during January and February 1993 pursuant to resolution 687 (1991) and the Memorandum of Understanding.

I should be grateful if you would have this letter and the annexes circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

ANNEX I

Information bulletin

We give below a summary of the steps taken by the Iraqi side during January 1993 pursuant to resolution 687 (1991).

1. *Inspection teams*

1. The seventeenth nuclear inspection team (UNSCOM 49), composed of eight inspectors and headed by Mr. Zifferero, visited the country from 25 to 31 January 1993. The team carried out inspections at the following sites:

(*a*) *Visit to the Tuwaitha site, Tuesday, 26 January 1993*

The visit covered the main depots, the 14-Tammuz reactor, the Wardiyah depots and a number of buildings, in addition to the radiochemical building, from which mechanical levers were moved to the main depots, which were then sealed.

During the visit, the seals and the seal numbers were reinspected, some photographs were taken, and the fuel cells in the core and tank of the 14-Tammuz reactor were checked.

(*b*) *Visit to the Rabi' (Nida') Establishment, Wednesday, 27 January 1993*

The visit covered all the workshops and buildings destroyed as a result of the United States missile attack on 17 January 1993, as well as the salvage and repair operations currently being carried out on the plant machinery in the Dijlah (Zaura') Establishment workshop. The seals formerly placed on some of the machines in the establishment were reinspected, and video films and still photographs were taken of the impact of the destruction and the activities currently undertaken to restore the establishment.

The head of the team stressed that the position of the International Atomic Energy Agency (IAEA) was the application of the plan for future monitoring to some of the machinery and this establishment, not its destruction.

(*c*) *Visit to the Jazirah plant site, Thursday, 28 January 1993*

The visit included the viewing of tanks and barrels of natural uranium residues and a visit to some destroyed plant buildings, as well as a visit to the machinery and equipment depots to check the seals.

The team held two meetings with the director of the plant for the purpose of finding out the future operations of the site. The team requested a study on the site's future activities. The study will be delivered to IAEA at the end of next month. The head of the inspection team confirmed that all the equipment and materials at the site that had not been sealed might be utilized.

(*d*) *Visit to the Tarmiyah site, the Nasr Establishment and the Hattin Establishment, Saturday, 30 January 1993*

Tarmiyah site

The purpose of the visit was to reinspect and photograph the seals and also to look at some of the chambers and take the numbers of the pumps of the sealed central cooling systems.

Nasr Establishment

The visit was a surprise one made for the purpose of looking at and photographing some of the seals that had been placed on the machines.

Hattin Establishment

The visit was for the purpose of looking at the aluminum piping, taking samples of it and photographing it.

(*e*) *Sunday, 31 January 1993*

Before its departure, the team visited the Nasr Establishment and then left the country at 11.30 a.m.

(*f*) *Meetings*

A number of meetings were then held between the inspection team and their Iraqi counterparts. The following matters were discussed:

(i) The IAEA working group requested the updating of the list of machinery, materials and equipment provided earlier by the Iraqi side. The Iraqi side provided the team with the updated list;

(ii) The IAEA working group requested the transportation of the liquid fuel from the Tarmiyah site to the Tuwaitha site. The Iraqi side handed over to the team a letter conveying its agreement to such transportation;

(iii) The Iraqi side requested that sealed pumps and parts of the cooling towers at the Nasr Establishment might be used. The Iraqi side handed over a letter to that effect to the inspection team, which promised to study it;

(iv) The question of the list of purchases was discussed, and the Iraqi side reiterated its request that a unified list should be drawn up by the Special Commission and IAEA containing all questions and inquiries about the nature of purchases, so that it could be discussed with the Iraqi side in a unified and definitive manner;

(v) The Iraqi side requested that permission be given to use some of the machinery that had been sealed by the inspection team but had a civilian industrial function, and the team promised to settle this matter in the near future.

(*g*) *Statements*

On 30 January 1993, the head of the inspection team stated to Agence France Presse that the team's one-week mission in Iraq had been good and fruitful.

2. *Visit of the ballistic missiles inspection team (UNSCOM 48)*

(*a*) On 25 January 1993, the ballistic missiles inspection team visited Iraq. The team was composed of four inspectors and headed by Mr. Azad Vekilov. A delegation from the Office of the Special Commission, composed of Mr. Nikita Smidovich, leader of the delegation, Mr. Achim Bierman and Mr. Scott Ritter, arrived with the team.

(*b*) The team's visits focused on the Ibn al-Haytham research centre, with one visit to the Rafah site. The team is still carrying out its activities at the Ibn al-Haytham centre for the purpose of checking that the centre is not engaged in activities prohibited under resolution 687 (1991). The team's work at the Ibn al-Haytham centre is continuing for 30 days.

(*c*) During its meetings with the delegation from the office of the Special Commission and the head of the team, the Iraqi side said that there was no convincing justification, from the practical and scientific viewpoints, for allocating 30 days for the inspection of a recently established site which had already been visited by three inspection teams and air reconnaissance teams. The Iraqi side also addressed a letter to the Executive Chairman of the Special Commission on 31 January 1993, stating that it had noted that this team had drawn up a programme for the inspection of the Ibn al-Haytham centre that differed from the work schedules of previous inspection teams. Nevertheless, the Iraqi authorities provided the necessary assistance to facilitate the team's mission, on the basis of resolution 687 (1991).

(*d*) The delegation from the office of the Special Commission made a surprise visit to the armour dismantling centre at Haswah, before leaving for Bahrain on 29 January 1993.

3. *Chemical destruction team (UNSCOM 38)*

The chemical destruction team has been working continuously at the Muthanna General Establishment since 18 June 1992. The team is overseeing operations for the destruction of chemical weapons and ammunition at this site.

4. *Activities of the Special Commission helicopter unit*

From 24 to 30 January 1993, the unit carried out the tasks entrusted to it. The Iraqi side cooperated with the unit, facilitated its work and provided security. The unit carried out seven flights to transport inspection teams, and the inspection and air reconnaissance teams made four flights during which six sites were reconnoitred and photographed.

II. *Return of property*

During this month (January 1993) the operation of the hand-over of military equipment belonging to the Air Force continued at the Iraqi hand-over point south of Safwan. The following were handed over:

1. Mk 20 cluster-bomb model 6 - 1,028
2. Mk 82 Finz bombs - 3,180
3. Mk 84 Fiz bombs - 544
4. Mk 15 bombs model - 410
5. Mk 84 cradle bombs - 334

III. *United Nations Iraq-Kuwait Observation Mission*

Iraq continued to extend cooperation and provide facilities to the United Nations Iraq-Kuwait Observation Mission (UNIKOM).

The Iraqi side withdrew the six Iraqi border police posts; in the report of the Secretary-General of 19 January 1993 [*S/25085/Add.1*] it was mentioned that Iraq had withdrawn the above-mentioned police posts on 17 January 1993.

Annex II

Information bulletin

We give below a summary of the steps taken by the Iraqi side during February 1993 pursuant to resolution 687 (1991).

I. *Inspection teams*

1. *Missiles inspection team (UNSCOM 48)*

During this month, the team continued its work at the Ibn al-Haytham centre, having begun on 25 January 1993. The team is holding meetings with the centre's technicians and making rounds of inspection inside the divisions of the centre.

2. *Missiles inspection team (UNSCOM 50)*

The missiles inspection team (UNSCOM 50) arrived in Iraq on 12 February 1993. The team was composed of 13 inspectors and headed by the Frenchman Patrice Palanque. In the evening of the same day, the head of the team met with the Iraqi side and raised the question of foreign suppliers. The reply was that the Iraqi side was waiting to receive from the Special Commission a list of the questions relating to this subject, which must be in the form of a list submitted all at once. When we receive these questions, we shall consider them and study the response in a serious manner.

The team visited 20 different sites, including sites having no relation to resolution 687 (1991), such as the machinery and heavy agricultural equipment repair plant, a department of the Baghdad Municipality, a technical institute and vocational centres for teaching students. The team followed the method of surprise visits in its inspection, and the number of surprise visits totalled 18.

The team was scheduled to leave the country on 22 February 1993, but it decided to extend its visit by one day so that it merged with UNSCOM 51, which arrived suddenly.

3. *Missiles inspection team (UNSCOM 51)*

UNSCOM 51 arrived in Iraq on 22 February 1993. The team was composed of 23 inspectors with various specializations and headed by the Russian Nikita Smidovich.

On the same day that it arrived, the team paid a surprise visit to the Yarmuk General Establishment and a military unit near the installation, as well as a missiles school in the Abu Ghraib area, after merging with UNSCOM 50 inside the Yarmuk General Establishment.

The technical and practical preparations for this team's mission were careful and thorough, inasmuch as the work of the chemical destruction team was halted and it was withdrawn abruptly, on the grounds that it was necessary to do maintenance work on the team's equipment and vehicles. The work of the missiles team (UNSCOM 48) at the Ibn al-Haytham centre was halted for the same reason as mentioned above.

On the night UNSCOM 51 arrived, the inspectors prepared 16 small vehicles, in addition to ambulances and transport vehicles, and equipped them with communications materials, foodstuffs and other supplies, which indicated that the operation would be long and difficult. A number of the inspectors belonging to the chemical destruction team were also designated to drive some of the vehicles.

The inspection and air reconnaissance team demarcated two square areas to be reconnoitred, one of them on the following day. The time set for the take-off coincided with the departure of UNSCOM 50 from the hotel and the arrival of UNSCOM 51 from Bahrain, and it seemed as though the next operation was to be carefully arranged so that all these teams would converge in one place.

In fact, UNSCOM 51 proceeded to Baghdad immediately upon its arrival on 22 February 1993, with timing that ensured a meeting with UNSCOM 50 while the air reconnaissance team was over the Yarmuk General Establishment. At the same time, the United States U-2 spy plane overflew the same area.

All the Establishment's facilities were most carefully inspected, including bathrooms, lavatories and outside parks, for the purpose of stumbling on any article, however elementary, that might, even indirectly, be linked to the surface-to-surface missiles banned under resolution 687 (1991). The neighbouring training school and missile squadron were inspected by the same method and by helicopter overflight, but they found nothing at all, since Iraq complies with the above-mentioned resolution and has fulfilled all its commitments thereunder.

UNSCOM 50 and UNSCOM 51 left the country on 23 February 1993 for Bahrain.

4. *Visit of the Deputy Executive Chairman of the Special Commission*

On 12 February 1993, the Deputy Executive Chairman of the Special Commission, Mr. Corden, arrived in the country to follow up and monitor the tasks entrusted to the inspection teams present in the country. He visited Muthanna Establishment with the chemical destruction team (UNSCOM 38) and also accompanied the air reconnaissance team on two occasions.

On 13 February 1993, a meeting was held between the Director of the Military Manufacturing Authority, Mr. Corden, the head of UNSCOM 50 and his deputy. The Director of the Authority focused on the following points:

(*a*) The readiness of the Iraqi side to cooperate with the Special Commission in implementing resolution 687 (1991);

(*b*) The readiness of the Iraqi side to give serious consideration to the subject of "suppliers" once the Special Commission had put forward a list of requirements;

(*c*) The need for the Special Commission to fulfil its reciprocal obligations laid down in paragraph 22 of resolution 687 (1991); and a reference to the implementation of paragraph 14 of the same resolution.

5. *Chemical destruction team (UNSCOM 38)*

The chemical destruction team (UNSCOM 38) has been continuing its work at the Muthanna General Establishment since 18 June 1992. The team has continued during this month to supervise the destruction of chemical weapons and ammunition at the site.

6. *Helicopter unit of the Special Commission*

During the period from 1 to 24 February 1993, the unit has been carrying out the tasks assigned to it with cooperation and facilitation from the Iraqi side. The unit has made 17 flights to transport inspection teams, and the air reconnaissance team has made 14 flights during which it has reconnoitred, inspected and photographed 27 sites.

II. *Return of property*

1. During this month (February 1993) the operation of the hand-over of military equipment belonging to the Air Force continued at the Iraqi hand-over point south of Safwan. The operation of the hand-over of all air equipment and weapons belonging to the Kuwaiti Air Force was completed on 16 February 1993, except for a damaged C-130 aircraft located at the Suwayrah airfield, since bids of the repair companies had not been received. That was as agreed on with the United Nations Representative in Baghdad.

2. On 28 February 1993, in the Safwan area, the operation of the first phase of the hand-over of heavy military equipment was begun. This operation includes Chieftain tanks, armoured and transport vehicles and artillery pieces of miscellaneous types and sizes. It will last for more than three months.

DOCUMENT S/25395

Letter dated 10 March 1993 from the representative of Hungary to the President of the Security Council

[*Original: English*]
[*11 March 1993*]

I would like to recall my letter addressed to your predecessor on 26 February 1993 [*S/25347*] on the blockade of the Danube by Yugoslav barges, as well as the decision by the Security Council on the same day to call in the Chargé d'Affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the United Nations in order to convey to him, through the President of the Council, its condemnation of interference with the river traffic of several States Members of the United Nations and its demand that the Federal Republic of Yugoslavia authorities remove the blockade forthwith.

In this connection, I would like to bring to your attention two letters, the contents of which are set out below.

The first is an undated letter written by Mr. Strugar Dusan, General Director of the Yugoslav river navigation company, JRB, addressed to his German, Austrian, Slovak, Hungarian, Romanian, Bulgarian and Ukrainian colleagues. In the letter, he informs them that the Independent Trade Union of River Personnel of JRB announced the provisional suspension of the seven-day blockade of the Iron Gates 2 locks. The General Director also makes reference in his letter to possible future steps contemplated by the trade union.

The second letter is dated 3 March 1993 and is written by Mr. Milovan Petrovic, Chairman of the Independent Trade Union of River Personnel, addressed to the General Director of JRB. This letter reads as follows (unofficial translation):

> "In order to give the opportunity and time necessary for talks and for reaching an agreement with the Romanian authorities on the free navigation on the Danube river - which is of vital importance for the employees of our organization - we are provisionally suspending the seven-day warning blockade as of 2 March of the current year at 6 p.m.
>
> "We draw your attention to the fact that, in case we shall be further deprived of the right to work, we will, as of 10 March, resume the blockade of navigation affecting all vessels, which will continue until a solution is found to the question.
>
> "At the same time, we request you to forward the present communication and warning to all competent organs, including the Federal Government, all foreign Danubian navigation companies and the representatives of the press, radio and TV."

We have reason to believe that the carrying out of the threat contained in the above letter is imminent.

Hungary, as one of the riparian States of the Danube, wishes to stress once again the utmost importance of early and effective measures to be taken by the Security Council to give an adequate response to the systematic defiance by the authorities of the Federal Republic of Yugoslavia of the relevant resolutions and statements of the Security Council.

I would kindly ask you to have the present letter circulated as a document of the Security Council.

(*Signed*) André ERDOS
Permanent Representative of
Hungary to the United Nations

DOCUMENT S/25396

Letter dated 10 March 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*11 March 1993*]

I have the honour to transmit herewith a letter from Mr. Vladislav Jovanović, Minister for Foreign Affairs of the Federal Republic of Yugoslavia.

I should be grateful if you would have the present letter and the attachment circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER FROM THE MINISTER FOR FOREIGN AFFAIRS OF YUGOSLAVIA TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the statement of the President of the Security Council of 26 February 1993 concerning the blockade of the Danube by Yugoslav barges, I have the honour to inform you that all barges and ships below Djerdap II dam and the channel, owned by the private holding company Jugoslovensko Rečno Brodarstvo (JRB), were removed on 2 March 1993; navigation by all international vessels has been restored. May I also point out that an erroneous interpretation of Security Council resolutions 757 (1992) and 787 (1992) by Romania continues to obstruct the navigation of vessels owned by Yugoslav private companies between inland ports in the Yugoslav part of the Danube.

The temporary blockade of navigation on the Danube by JRB's independent trade unions of shippers, neither caused nor encouraged by the Government of the Federal Republic of Yugoslavia, was the result of the ban on navigation by JRB vessels on the Djerdap II channel by the Romanian authorities. The navigation ban on the Djerdap II channel, located between Yugoslav ports and points upstream from the Yugoslav port of Prahovo, seriously threatened more than 10,000 employees of two Yugoslav private companies, JRB and Heroj Pinki, and their dependants. Accordingly, in an effort to save their jobs and the livelihood of their dependants, the trade unions decided on this action in order to put pressure on Romanian authorities and to draw the attention of the world public to the unacceptable navigation ban on Yugoslav shippers in the Yugoslav part of the Danube between ports in the upper and lower parts of this river.

I would remind you that ships flying the Yugoslav flag have navigated the Danube for over 130 years and that such a ban has never been imposed, including in time of war. Romania's present ban and non-compliance with the agreement between Yugoslavia and Romania on the hydroelectric power plant, dam and Djerdap II channel construction is not based on any decision of the Security Council and is in contravention of the Danube and other conventions regulating navigation on this river. In point of fact, Security Council resolution 757 (1992) does not restrict, explicitly or implicitly, inland traffic in Yugoslavia, either on rivers, roads, railways or in the air. It is explicitly provided in the Danube Convention that traffic between river ports within one country is not subject to customs or any other control or restriction.

Navigation between Yugoslav ports in the Djerdap II channel as an inland waterway is regulated by the 1977 agreement on the hydroelectric power plant, dam and Djerdap II channel construction whereby the Romanian side undertook to build two channels, one on the Romanian and the other on the Yugoslav side. So far the Romanian side has not fulfilled its obligation but did undertake in the said agreement to allow navigation by Yugoslav vessels in the Romanian channel, to ensure unimpeded navigation between Yugoslav ports and to defray additional costs until the completion of the Yugoslav channel.

We wish to note that in this specific case what is at stake is exclusively inland traffic between Yugoslav ports - cabotage, where Yugoslav vessels can only use the channel constructed in the Romanian part of the

Danube. Since the channel has not yet been constructed in Yugoslav territory due to the failure of the Romanian side to fulfil its obligation under the agreement, recognition of the right of Romania to use its channel as a State border, thus impeding free navigation of Yugoslav vessels in Yugoslav inland waterways, would be contrary to one of the basic principles of international law, namely, that a State cannot profit in any way from the non-fulfilment of its obligations under a treaty, i.e., that a non-right cannot become a right. Had Romania constructed the channel in Yugoslav territory, i.e., had it fulfilled its obligation under the agreement, this dispute would never have occurred.

From the very beginning, the Yugoslav Government has striven to resolve this bilateral problem in direct contacts with representatives of the Government of friendly Romania and principled discussions on it were held by the Presidents of the two countries during their recent meeting in Bucharest. I take this opportunity to inform you that it has been agreed that representatives and experts of the two Governments are working out practical modalities for the solution of this problem and they are expected to meet soon.

Expressing the regret of the Yugoslav Government at the difficulties international vessels have had due to the action of the trade unions of Yugoslav shippers, I am confident that Yugoslavia and Romania will find an early solution to this problem which will both restore international shipping and enable Yugoslav ships to navigate the Djerdap II channel en route to ports in Yugoslav territory.

I am confident that I have helped you understand better the position of the Yugoslav Government.

(*Signed*) Vladislav JOVANOVIĆ
Minister for Foreign Affairs
of Yugoslavia

DOCUMENT S/25398

Letter dated 10 March 1993 from the representative of Pakistan to the Secretary-General

[*Original: English*]
[*11 March 1993*]

I have the honour to enclose the text of the Afghan Peace Accord signed at Islamabad on 7 March 1993.

The Afghan leaders also signed a separate agreement entitled "Division of Powers". This document, which is annexed to the Accord, is also attached.

The Peace Accord was signed, after intensive consultations, between the Afghan leaders who met in Islamabad at the invitation of the Prime Minister of the Islamic Republic of Pakistan, Mr. Muhammad Nawaz Sharif. Prince Turki al-Faisal of Saudi Arabia and Mr. Alaedin Broujerdi, the Deputy Minister for Foreign Affairs of the Islamic Republic of Iran were also present during the negotiations.

It is requested that this letter along with its enclosures be circulated as a document of the Security Council.

(*Signed*) Jamsheed K. A. MARKER
Permanent Representative of
Pakistan to the United Nations

ANNEX

Afghan Peace Accord

Given our submission to the will of Allah Almighty and commitment to seeking guidance from the Holy Quran and Sunnah,

Recalling the glorious success of the epic Jihad waged by the valiant Afghan people against foreign occupation,

Desirous of ensuring that the fruits of this glorious Jihad bring peace, progress and prosperity for the Afghan people,

Having agreed to bringing armed hostilities to an end,

Recognizing the need for a broad-based Islamic Government in which all parties and groups representing all segments of Muslim Afghan society are represented so that the process of political transition can be advanced in an atmosphere of peace, harmony and stability,

Committed to the preservation of unity, sovereignty and territorial integrity of Afghanistan,

Recognizing the urgency of rehabilitation and reconstruction of Afghanistan and of facilitating the return of all Afghan refugees,

Committed to promoting peace and security in the region,

Responding to the call of Khadim Al-Harmain Al-Sharifain His Majesty King Fahd Bin Abdul Aziz to resolve the differences among Afghan brothers through a peaceful dialogue,

Appreciating the constructive role of good offices of Mr. Muhammad Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistan and his sincere efforts to promote peace and conciliation in Afghanistan,

Recognizing the positive support for these efforts extended by the Governments of the Kingdom of Saudi Arabia and the Islamic Republic of Iran, who have sent their Special Envoys for the conciliation talks in Islamabad,

Having undertaken intensive intra-Afghan consultations separately and jointly to consolidate the gains of the glorious Jihad,

All the parties and groups concerned have agreed as follows:

1. A Government shall be formed for a period of 18 months in which President Burhanuddin Rabbani would remain President and Eng. Gulbadin Hikmatyar or his nominee would assume the office of Prime Minister. The powers of the President and Prime Minister and his cabinet which have been formulated through mutual consultations will form part of this Accord and are set forth in the appendix hereto;

2. The Cabinet shall be formed by the Prime Minister in consultation with the President, and leaders of Mujahideen Parties within two weeks of the signing of this Accord;

3. The following electoral process is agreed upon for implementation in a period of not more than 18 months with effect from 29 December 1992:

(*a*) The immediate formation of an independent Election Commission by all parties with full powers;

(*b*) The Election Commission shall be mandated to hold elections for a Grand Constituent Assembly within eight months from the date of signature of this Accord;

(*c*) The duly elected Grand Constituent Assembly shall formulate a Constitution under which general elections for the President and the Parliament shall be held within the prescribed period of 18 months mentioned above;

4. A Defence Council comprising two members from each party will be set up, *inter alia*,

(*a*) To enable the formation of a national Army;

(*b*) To take possession of heavy weapons from all parties and sources which may be removed from Kabul and other cities and kept out of range to ensure the security of the Capital;

(*c*) To ensure that all roads in Afghanistan are kept open for normal use;

(*d*) To ensure that State funds shall not be used to finance private armies or armed retainers;

(*e*) To ensure that operational control of the armed forces shall be with the Defence Council.

5. There shall be immediate and unconditional release of all Afghan detainees held by the Government and different parties during the armed hostilities;

6. All public and private buildings, residential areas and properties occupied by different armed groups during the hostilities shall be returned to their original owners. Effective steps shall be taken to facilitate the return of displaced persons to their respective homes and locations;

7. An all-Party Committee shall be constituted to supervise control over the monetary system and currency regulations to keep it in conformity with existing Afghan banking laws and regulations;

8. A cease-fire shall come into force with immediate effect. After the formation of the Cabinet, there shall be permanent cessation of hostilities;

9. A Joint Commission comprising representatives of the Organization of the Islamic Conference and of all Afghan parties shall be formed to monitor the cease-fire and cessation of hostilities.

In confirmation of the above Accord, the following have affixed their signatures hereunder, on Sunday 7 March 1993, at Islamabad, Pakistan.

(Signed)
Prof. Burhan-ud-Din Rabbani
Jamiat-e-Islami
President of the Islamic State
of Afghanistan

(Signed)
Moulvi Muhammad Nabi Muhammadi
Harkat-e-Inqilab-e-Islami

(Signed)
Pir Syed Ahmed Gaillani
Mahaz-e-Milli

Sheikh Asif Mohseni
Harkat-e-Islami

(Signed)
Eng. Gulbadin Hikmatyar
Hizb-e-Islami

(Signed)
With my reservation about the
President's time.
Prof. Sibghatullah Mujjadidi
Jabha-e-Nijat-e-Milli

(Signed)
With my reservation about the
President's time.
Eng. Ahmed Shah
Ahmadzai Ittehad-e-Islami

(Signed)
Ayatullah Fazil
Hizb-e-Wahdat-e-Islami

APPENDIX

Division of powers

Preamble

The President of the Islamic State of Afghanistan is the Head of the State and symbol of unity and solidarity of the country and shall guide the affairs of the State in accordance with Islamic laws and the principles laid down in the Holy Quran and Sunnah.

I. The Prime Minister shall form the Cabinet in consultation with the President and present the same to the President, who shall formally announce the Cabinet and take its oath. The Cabinet shall operate as a team under the leadership of the Prime Minister and shall work on the principle of collective responsibility.

II. The Prime Minister and the Cabinet shall regularly act in close consultation with the President on all important issues.

III. The President and the Prime Minister shall act in consultation with each other and shall try to resolve differences, if any, through mutual discussion. In case any issue remains unresolved, it should be decided by a reference to a joint meeting of the President and the Cabinet.

IV. All major policy decisions shall be made in the Cabinet, to be presided over by the Prime Minister. Ministers, Deputy Ministers and Ministers of State would be individually and collectively responsible for the decisions of the Government.

V. The formal appointment of the Chiefs of the Armed Forces shall be made in accordance with the existing practice and after mutual consultation.

Powers of the President

VI. The President shall have the following powers and duties:

(*a*) Appointment of the Vice-President of the Islamic State of Afghanistan;

(*b*) Appointment and retirement of judges of the Supreme Court, the Chief Justices, in consultation with the Prime Minister and in accordance with the provisions of the laws;

(*c*) Supreme Command of the Armed Forces of the country in the light of the objectives and structure of the Armed Forces of Afghanistan;

(*d*) Declaring war and peace on the advice of the Cabinet or the Parliament;

(*e*) Convening and inaugurating the Parliament according to rules;

(*f*) Consolidating national unity and upholding the independence, neutrality and Islamic character of Afghanistan and the interests of all its citizens;

(*g*) Commuting and pardoning of sentences according to the Shariah and the provisions of law;

(*h*) Accrediting heads of Afghanistan's diplomatic missions in foreign States, appointing Afghanistan's permanent representatives to international organizations according to the normal diplomatic procedures and accepting the letters of credence of foreign diplomatic representatives;

(*i*) Signing laws and ordinances and granting credentials for the conclusion and signing of international treaties in accordance with the provisions of law;

(*j*) The President may, at his discretion, delegate any of his powers to the Vice-President, or to the Prime Minister;

(*k*) In the event of the death or resignation of the President, the presidential functions shall be automatically entrusted to the Vice-President, who shall deputize till the new President is elected under the Constitution;

(*l*) Granting formal permission to print money;

(*m*) The President may call an extraordinary meeting of the Cabinet on issues of vital national significance which do not fall in the routine governance of the country.

Powers of the Prime Minister

VII. The Prime Minister and his Cabinet shall have the following duties and powers:

(*a*) Formulation and implementation of the country's domestic and foreign policies in accordance with the provisions and spirit of this Accord and the provisions of law;

(*b*) Administering, coordinating and supervising the affairs of the ministries, and other departments and public bodies and institutions;

(*c*) Rendering executive and administrative decisions in accordance with laws and supervising their implementation;

(*d*) Drafting of laws and formulating rules and regulations;

(*e*) Preparing and controlling the State budget and adopting measures to mobilize resources to reconstruct the economy and establish a viable and stable monetary, financial and fiscal system;

(*f*) Drafting and supervising implementation of the socio-economic and educational plans of the country with a view to establishing a self-reliant Islamic welfare State;

(*g*) Protecting and promoting the objectives and interests of Afghanistan in the world community and discussing and negotiating foreign treaties, protocols, international agreements and financial arrangements;

(*h*) Adopting measures to ensure public order, peace, security and Islamic morality and to ensure administration of justice through an independent and impartial judiciary;

In confirmation of the above Accord, the following have affixed their signatures hereunder, on Sunday 7 March 1993, at Islamabad, Pakistan.

(Signed)
Prof. Burhan-ud-Din Rabbani
Jamiat-e-Islami
President of the Islamic State
of Afghanistan

(Signed)
Moulvi Muhammad Nabi Muhammadi
Harkat-e-Inqilab-e-Islami

(Signed)
Pir Syed Ahmed Gaillani
Mahaz-e-Milli

Sheikh Asif Mohseni
Harkat-e-Islami

(Signed)
Eng. Gulbadin Hikmatyar
Hizb-e-Islami

(Signed)
With my reservation about the
President's time.
Prof. Sibghatullah Mujjadidi
Jabha-e-Nijat-e-Milli

(Signed)
Eng. Ahmed Shah
Ahmadzai Ittehad-e-Islami

(Signed)
Ayatullah Fazil
Hizb-e-Wahdat-e-Islami

DOCUMENT S/25401

Letter dated 10 March 1993 from the representative of Senegal to the Secretary-General

[*Original: French*]
[*11 March 1993*]

As Permanent Representative of the country whose Head of State is currently Chairman of the Organization of African Unity, I am transmitting to you, herewith, the joint communiqué signed on 7 March 1993, at Dar-es-Salaam, United Republic of Tanzania, at the end of the high-level meeting between the Government of the Rwandese Republic and the Rwandese Patriotic Front, for publication as a document of the Security Council.*

(*Signed*) Kéba Birane CISSE
Permanent Representative of
Senegal to the United Nations

DOCUMENT S/25402

Report of the Secretary-General on the question of Liberia

[*Original: English*]
[*12 March 1993*]

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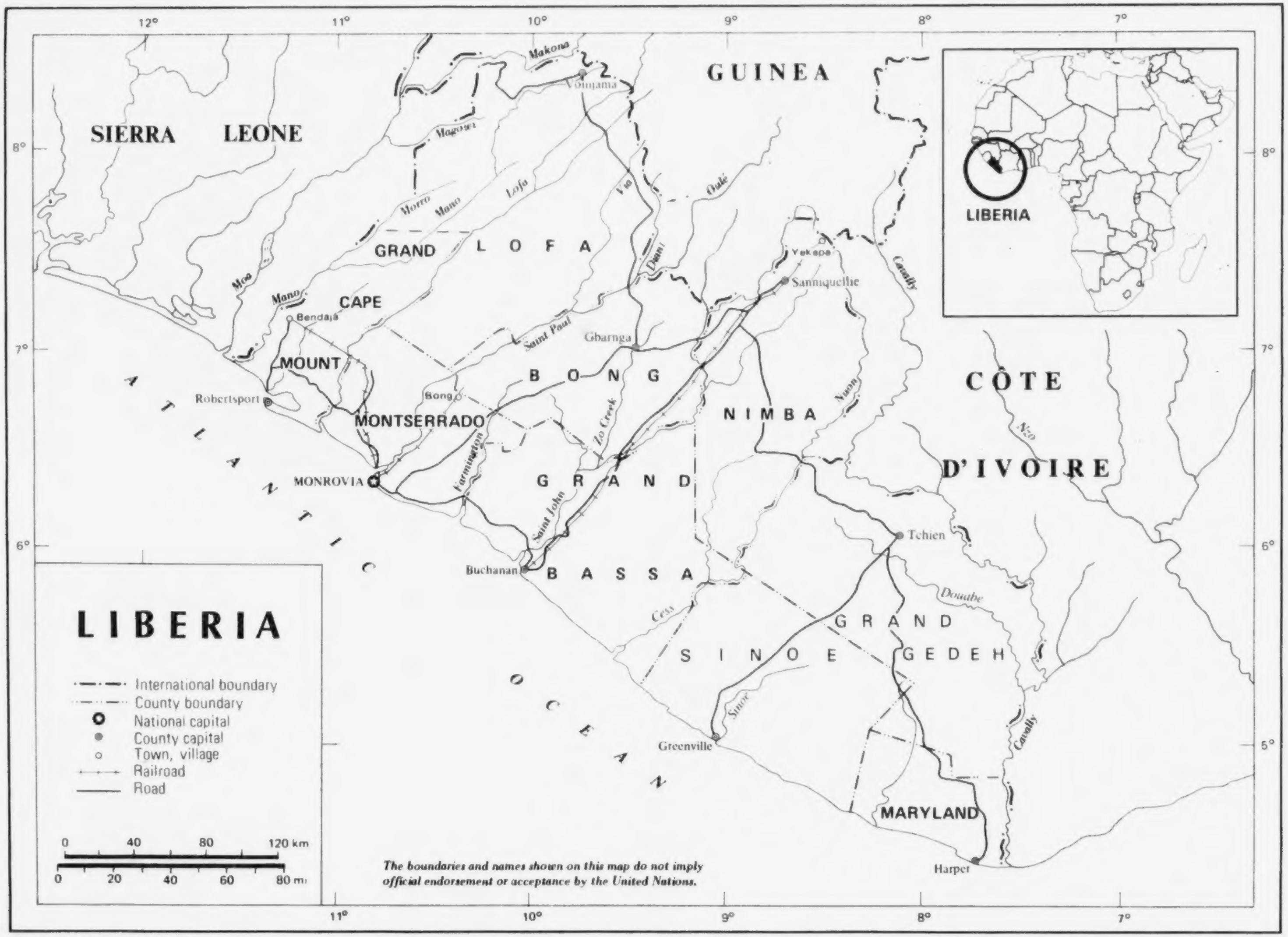
*For the text of the communiqué, see document S/25385 above.


LIBERIA
International boundary
County boundary
National capital
County capital
Town, village
Railroad
Road
0 40 80 120 km
0 20 40 60 80 mi
SIERRA LEONE
GUINEA
CÔTE D'IVOIRE
ATLANTIC OCEAN
GRAND CAPE MOUNT
LOFA
BONG
MONTSERRADO
GRAND BASSA
NIMBA
SINOE
GRAND GEDEH
MARYLAND
MONROVIA
Robertsport
Bendaja
Bong
Gbarnga
Voinjama
Yekepa
Sanniquellie
Buchanan
Tchien
Greenville
Harper
Makona
Magowi
Morro
Mano
Lofa
Moa
Via
Oulé
Diani
Saint Paul
Zo Creek
Farmington
Saint John
Nuon
Cavally
Nzo
Douabe
Cess
Sinoe
12°
11°
10°
9°
8°
7°
6°
5°
LIBERIA

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.

MAP NO 3053 Rev.2 UNITED NATIONS
JANUARY 1986

INTRODUCTION

1. The Security Council first considered the question of Liberia at its meeting held on 22 January 1991 [*2974th meeting*], when the President of the Council made a statement commending the efforts of the heads of State of the Economic Community of West African States (ECOWAS)[2/] and called upon the parties to the conflict to respect the cease-fire agreement [*S/22133*]. At a subsequent meeting on 7 May 1992 [*3071st meeting*], the Council again commended ECOWAS and indicated that the Yamoussoukro IV Accord of 30 October 1991 [*S/24815*] offered the best possible framework for a peaceful resolution of the Liberian conflict.

2. At its 3138th meeting, held on 19 November 1992, the Security Council adopted resolution 788 (1992), by which it, *inter alia*, called upon all parties to the conflict in Liberia to respect and implement the cease-fire and the various accords of the peace process; decided, under Chapter VII of the Charter of the United Nations, that all States should, for the purposes of establishing peace and stability in Liberia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Liberia, with the exception of weapons and military equipment destined for the sole use of the peace-keeping forces of ECOWAS in Liberia; requested the Secretary-General to dispatch to Liberia urgently a Special Representative to evaluate the situation, and to report to the Council as soon as possible; and decided to remain seized of the matter.

3. Immediately following the adoption of resolution 788 (1992), I appointed Mr. Trevor Gordon-Somers as my Special Representative under the terms of paragraph 7 of the resolution. He was assisted by a Senior Political Affairs Officer from the Department of Political Affairs. The present report is submitted pursuant to paragraphs 7 and 13 of resolution 788 (1992).

I. BRIEF HISTORY OF THE CONFLICT AND ITS CONSEQUENCES

4. Liberia is situated on the west coast of Africa, sharing common borders with Côte d'Ivoire, Guinea and Sierra Leone. Independent since 26 July 1847, the country has a population of 2.5 million. Monrovia grew as the commercial centre of the country and the location of the elite settler community. The remainder of the country, largely rural, with an abundance of natural resources, was home to the indigenous population. The conflict in Liberia has its genesis in a complex history of relationships between the settler and the indigenous communities, low levels of literacy among the latter, crushing poverty in the rural areas and a perception that benefits accrued primarily to the population in Monrovia.

5. The immediate origins of the three-year war can be traced to the complete breakdown of law and order and civil authority which accompanied the overthrow in 1990 of the regime headed by President Samuel Doe. The civil war has caused severe casualties and major displacement of the population, both internally and in terms of refugees in countries bordering Liberia. The rupture of the system of civil administration, the cessation of most forms of social services and the disruption of economic activities have resulted in considerable dependence on humanitarian assistance provided by the United Nations and non-governmental organizations.

6. The effects of the prolonged civil war have worsened the fragile state of the economy characteristic of many developing countries during the decade of the 1980s. The de facto division of the country as a result of the civil war into two administrations with separate economic zones, two different domestic currencies with widely varying rates of exchange, further aggravates an already difficult situation. Prolonged shortages of foreign exchange render almost impossible the importation of food, fuel and other essential consumer goods. The banking system has completely broken down with respect to foreign exchange transactions.

7. At present, the country remains partitioned, with the Interim Government of National Unity, headed by President Amos Sawyer, administering Monrovia and its environs, the National Patriotic Front of Liberia (NPFL), led by Mr. Charles Taylor, in control of 10 counties, with its headquarters in Gbarnga and the United Liberation Movement of Liberia for Democracy (ULIMO), led by Mr. Alhaji Kromah, following the capture of two counties, maintaining its headquarters in Tubmanburg. Most of the productive sectors of the economy (agriculture, forestry, iron ore, rubber and precious metals) are in areas held by NPFL and ULIMO. Monrovia remains the centre for commercial activities but at significantly reduced levels. Efforts at reactivation of the economy have yielded results far below pre-war levels. Some rubber, iron ore and timber were exported through the ports of Buchanan, Greenville and Harper under NPFL control, as well as through Monrovia. Reports have been received indicating that commercial arrangements have been made between NPFL and investors in Europe for the export of timber and iron ore. However, exports have virtually ceased since comprehensive economic sanctions have been applied by ECOWAS since July 1992, although there are continuing reports of some violations.

8. War-related casualties among civilians and armed combatants have been estimated as high as 150,000, with the overwhelming majority being civilians. Young people under 18 years of age are particularly hard hit. Population displacement is a significant consequence of the conflict. Monrovia's population is estimated to have doubled from 400,000 to 850,000 and may have exceeded 1 million since the beginning of the crisis. Liberian refugees now number between 600,000 and 700,000, mainly in Côte d'Ivoire, Guinea and Sierra Leone.

II. HUMANITARIAN ASSISTANCE

9. The conflict has resulted in a monumental deterioration in social services. The health care system is plagued by chronic shortages of drugs, fuel and other essential supplies, while an increase in the incidence of malnutrition, gastroenteritis and measles is recorded, particularly among the young. Most schools have remained closed during the crisis. Liberia will continue to depend on relief and humanitarian efforts of private institutions and the international community for the foreseeable future.

10. All United Nations emergency relief and humanitarian programmes in Liberia are coordinated by a United Nations Special Coordinator, who draws upon the staff and resources of the United Nations Development Programme, in close collaboration with the Food and Agriculture Organization of the United Nations, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund, the World Food Programme and the World Health Organization. Through regular coordination meetings, the United Nations family and the NGO community have developed integrated programmes (e.g., food aid, especially for vulnerable groups, water and sanitation, disease control, including HIV/AIDS, nutritional surveillance and drug abuse counselling) designed to address the needs of all Liberians in Monrovia and in territory held by both NPFL and ULIMO.

11. In 1991, arrangements for the distribution of humanitarian assistance had been carefully worked out by the United Nations Special Coordinator, with the NPFL and the Interim Government. Under the prevailing conditions, delivery of such assistance can be quite hazardous, depending on the level of insecurity and problems of logistics. Most of the drugs, food and other relief supplies have been imported, stored and distributed in and around Monrovia, where the bulk of the displaced

population resides. Since October 1992, some stores are maintained in Danane and Man in Côte d'Ivoire and in Gbarnga, for use in NPFL territory. The inability to deliver sufficient quantities to NPFL territory continues to be a source of concern, particularly with regard to the provision of fuel. Viewed as a strategic commodity in a war situation, but needed for the functioning of hospitals, the delivery of fuel is often delayed at the border with Côte d'Ivoire and only dispatched in small quantities under the supervision of international United Nations or NGO staff.

12. Responding to concerns of sanctions violations expressed by the Interim Government, my Special Representative reviewed various route options for the delivery of humanitarian assistance. Of the possibilities, via Côte d'Ivoire, Guinea, through a peace corridor from Monrovia to Kakata or, from Monrovia to the port of Buchanan, the most direct and convenient route continues to be via Côte d'Ivoire. Although this is consistent with security concerns and logistic feasibility, reports are received from time to time regarding difficulties of strict compliance with sanctions.

13. I have launched several appeals for humanitarian assistance to Liberia. Of the total of $161 million requested, a funding gap of US$ 57 million remains, covering priority areas of food aid, health, water and sanitation, agriculture and assistance to displaced persons and refugees, former combatants and children. Given the extent of the damage caused by the civil war in Liberia, it will be necessary for the United Nations and the entire international community to support a comprehensive programme for reconstruction and development once peace has returned to the country. As a first step this should involve a needs assessment, to be undertaken by the United Nations development system, in association with the Bretton Woods institutions, the African Development Bank and interested Governments.

III. ECOWAS PEACE INITIATIVES

14. The fighting which engulfed Liberia and the massive destruction and large loss of human life which followed in its wake have led to intensive West African diplomatic efforts. The repercussions of the Liberian civil war on neighbouring countries, particularly on Sierra Leone, have underlined the international dimension of the conflict.

15. ECOWAS has since 1990 been preoccupied with the situation in Liberia. It has operated under provisions of the Protocol on Non-Aggression, adopted at the Third Conference of Heads of State and Government of ECOWAS, held at Dakar on 22 April 1978, and the Protocol on Mutual Assistance on Defence adopted at Freetown on 29 May 1981. The initiatives of ECOWAS have included the creation of an ECOWAS Cease-Fire Monitoring Group (ECOMOG)[28] by the Standing Mediation Committee at Banjul on 7 August 1990. The primary function of ECOMOG was to keep peace, restore law and order and ensure that a cease-fire agreed to by the warring factions in Liberia was respected. Since its deployment in Liberia, in August 1990, ECOMOG has succeeded in restoring a measure of order in Monrovia and its environs. Much of the remainder of the country, however, remains under the control of NPFL and ULIMO. Under the auspices of ECOWAS, negotiations between the Liberian parties led to a series of agreements which formed the basis of an ECOWAS peace plan of November 1990. This plan, *inter alia*, called for:

- A cease-fire and cessation of destruction of life and property;
- ECOWAS monitoring of the cease-fire;
- The establishment of a broad-based interim government acceptable to the people of Liberia;
- The holding of general and presidential elections within 12 months;
- Observation of the elections by ECOWAS and other international bodies to ensure that they are free and fair.

16. Following further discussions and negotiations among Liberians themselves and between Liberians and ECOWAS member States, agreements were reached at meetings held in 1991 at Yamoussoukro, Côte d'Ivoire, on steps to implement the broad outlines of the ECOWAS peace plan. The Yamoussoukro IV Accord of 30 October 1991 specifies the steps which, taken together, constitute a framework for the settlement of the crisis. Specifically, these steps included the encampment and disarmament of warring factions under the supervision of an expanded ECOMOG and the establishment of institutions to carry out free and fair elections.

17. In view of the widespread fighting, it was not possible to carry out the measures envisaged in the Yamoussoukro IV Accord. The recognition by the Organization of African Unity (OAU) and the United Nations of the Interim Government headed by President Amos Sawyer and the unwillingness of one of the main factions, the NPFL, headed by Mr. Charles Taylor, to recognize ECOMOG as an impartial and neutral force, led to a prolonged stalemate.

18. The United Nations has, from the beginning of the crisis in Liberia, supported efforts of ECOWAS member States to achieve a just and lasting solution to the conflict. In 1990, my predecessor apprised the Security Council of actions being taken by ECOWAS with respect to Liberia so that it might consider how international assistance could best be provided to ECOMOG. He also underlined his support for the ECOWAS peace plan and appealed to all sides to cooperate fully with ECOMOG.

19. The inability to move forward with the ECOWAS peace plan led to intensified efforts to break the stalemate. In this context the need for the involvement of the United Nations became more evident. ECOWAS, at the fifteenth session of the Authority of Heads of State and Government held at Dakar from 27 to 29 July 1992, decided to impose comprehensive sanctions against the territory controlled by the NPFL. The ECOWAS Summit sought the assistance of the Security Council to make sanctions effective and binding on all members of the international community in accordance with the Charter of the United Nations.

20. At the first joint meeting of the Standing Mediation Committee and the Committee of Five on Liberia of ECOWAS, held at Cotonou on 20 October 1992, and the first Meeting of the Committee of Nine of ECOWAS on the Liberian Crisis, held at Abuja on 7 November 1992, it was decided that a delegation of ECOWAS Ministers for Foreign Affairs should come to New York to seek the endorsement of the Security Council for the path being followed by ECOWAS. I was represented at these meetings, and at all previous important ECOWAS meetings on Liberia, by Mr. James Jonah, Under-Secretary-General, Department of Political Affairs.

IV. ACTIVITIES AND FINDINGS OF THE SPECIAL REPRESENTATIVE

21. My Special Representative visited Liberia as well as Benin, Nigeria, Côte d'Ivoire, Sierra Leone, Guinea, Senegal, the Gambia and Burkina Faso from 29 November to 22 December 1992 and again from 10 January to 2 February 1993. He provided me with a preliminary assessment of the outcome of the first half of his mission on 29 December 1992 at Geneva.

22. In an exchange of views with the different heads of Government and officials of ECOWAS, my Special Representative explained the purpose of his mission. In separate meetings with Presidents Nicephore Soglo of Benin, Ibrahim Babangida of Nigeria, Félix Houphouët-Boigny of Côte d'Ivoire, Jerry Rawlings of Ghana, Dawda Jawara of the

Gambia, Blaise Campaore of Burkina Faso and with Prime Minister Habib Thiam of Senegal and with Vice-Chairman Solomon Musa of the National Provisional Ruling Council of Sierra Leone, and their Ministers for Foreign Affairs, they all expressed their appreciation for the support of the United Nations for the endeavours of ECOWAS in the search for a peaceful solution to the Liberian conflict. They also emphasized the need for continued support by the international community for the efforts of ECOWAS to bring peace and stability to the region; only then would ECOWAS be able to concentrate on its primary goal of attaining economic integration in the subregion.

23. President Nicephore Soglo of Benin, the current Chairman of ECOWAS, stressed to the Special Representative the view that there was a clear role for the United Nations in monitoring a cease-fire, encampment, disarmament, demobilization and the organization of free and fair elections. In view of the level of mistrust among the various protagonists, President Soglo felt that a greater United Nations involvement would ensure successful implementation of the Yamoussoukro IV Accord.

24. President Félix Houphouët-Boigny of Côte d'Ivoire, Chairman of the ECOWAS Committee of Five on Liberia, viewed with grave concern the conflict in Liberia and its implications for Côte d'Ivoire and the region. Notwithstanding the strict control instituted by his Government, the President pointed out some of the difficulties of policing the long border of some 580 kilometres with Liberia. These difficulties were further compounded by the fact that the population on both sides of the border belonged to the same ethnic groups and in some instances, the same family. In spite of these problems, the Government of Côte d'Ivoire fully supported the relevant decision of the Security Council on an arms embargo and the ECOWAS decision on economic sanctions.

25. In a meeting at the headquarters of ECOWAS at Lagos, the Executive Secretary, Mr. Abass Bundu, and the ECOMOG Force Commander, Major-General Adetunji Olurin, recalled the Banjul decision establishing ECOMOG and the conditions which obtained in Monrovia when ECOMOG was first deployed to Liberia in August 1990. They also called attention to the fact that ECOMOG deployment was strongly opposed by Mr. Charles Taylor. Having succeeded in stopping the advance of NPFL, ECOMOG proceeded in the traditional peace-keeping role to commence planning for encampment, disarmament and demobilization of the warring factions. However, the NPFL infiltration and attack on Monrovia on 15 October 1992 obliged ECOMOG to defend and protect the capital by adopting a peace enforcement mode. To ensure that Monrovia was no longer threatened by NPFL and in order to reduce civilian casualties, ECOMOG continued to repel NPFL forces. They also referred to the fact that the Independent National Patriotic Front of Liberia had ceased to exist as a warring faction after the surrender of its leader, Mr. Prince Johnson, to ECOMOG.

26. In Liberia, the Special Representative had extensive consultations with all the parties to the conflict. He also met with a wide range of NGOs and civic, religious and voluntary associations.

27. President Amos Sawyer supported the call by ECOWAS for United Nations involvement in the peace process within the context of the Yamoussoukro IV Accord. He provided the Special Representative with historical details regarding the decisions of the All-Liberia National Conference in Virginia, Liberia, 15 March to 18 April 1991, establishing the Interim Government. He recounted the decisions with respect to the organization and functioning of the executive, legislative and judicial branches of government. The composition of the Elections Commission and the Supreme Court as well as arrangements for monitoring general and presidential elections were also discussed. He stressed that for the ECOWAS peace initiative to succeed, it was imperative that all concerned parties honour commitments made to achieve a lasting settlement of the conflict. For his part, he was ready for a genuine dialogue in order to expedite a settlement. President Sawyer also emphasized the need for the United Nations to continue rendering humanitarian assistance to all Liberians. He underlined that the United Nations should remain sensitive to and supportive of the efforts of ECOWAS to resolve the crisis in Liberia.

28. Mr. Charles Taylor, leader of NPFL, expressed his willingness to agree to a cease-fire and to talks with other parties to the conflict, leading to free and fair elections, so long as the United Nations would facilitate and be fully involved in the process. He voiced concerns for his personal security, because he was convinced that ECOMOG was no longer a neutral peace-keeping force. His reasoning rested on the historical involvement of ECOWAS member States in the creation of the Interim Government in Banjul, July 1990, which he maintained contravened the existing constitution. Further, the capture of President Doe in September 1990, while on the premises of ECOMOG and his subsequent assassination, did not inspire confidence for his own safety. He argued that the dominance of Nigeria in ECOMOG was at variance with a traditional multinational peace-keeping force. Mr. Taylor complained that persistent bombing attacks by ECOMOG of civilian targets, as recently as 27 February 1993, resulted in extensive casualties. Finally, he asserted that ECOMOG sponsorship of ULIMO and the Armed Forces of Liberia nullified the basis for the arms embargo contained in Security Council resolution 788 (1992).

29. In Tubmanburg, Mr. Alhaji Kromah and the military command of ULIMO confirmed that the Movement was united, that it supported the ECOWAS peace plan and that it existed with the sole purpose of ending the conflict and would disband once the NPFL agreed to cessation of hostilities.

30. Since the adoption of the ECOWAS peace plan, many cease-fire agreements have been broken. Taking these factors into account, ECOWAS leaders and the warring factions are in agreement that there needs to be a role for the United Nations by providing observers. Arrangements envisaged in this regard would link the deployment of United Nations observers with the signature of a cease-fire agreement. It was suggested that the United Nations observers, numbering approximately 200, would take up positions, along with ECOMOG, between the various combatants, as well as at the ports and border crossings with Côte d'Ivoire, Guinea and Sierra Leone.

31. In order to facilitate implementation of the Yamoussoukro IV Accord, most interlocutors with the Special Representative stressed that encampment should commence concurrent with announcement of an agreed cease-fire. All existing military checkpoints established by various combatants should be removed. Such checkpoints as may be needed after the cessation of hostilities should be administered by ECOMOG. They called for agreement between the Interim Government, NPFL, ULIMO and ECOMOG on the location of these checkpoints to guard against any unauthorized activity. In their view, gradual relaxation of these arrangements would send clear signals that the cease-fire was holding and people should be able to move freely throughout the country.

32. Notwithstanding some agreement among the various parties, basic differences still exist with respect to the process of disarming and demobilizing ex-combatants. The NPFL is insistent that it will not disarm to ECOMOG in its present composition. In the light of this intense mistrust, these concerns could be addressed by reconfiguring ECOMOG by having more members of ECOWAS participating in it, while retaining the present command structure. It is generally agreed that broadening the participation in ECOMOG of forces from those ECOWAS countries which have not, or only marginally, been involved in the monitoring group, would provide the guarantees which Mr. Taylor seeks. However, such a reconfiguration of ECOMOG would require additional resources.

33. The reconciliation process would be greatly enhanced by progress in the encampment, disarmament and demobilization of the ex-combatants on the basis of the Yamoussoukro IV Accord. While in Monrovia, my Special Representative had the opportunity to meet with the Inter-Faith Mediation Council, comprising representatives of religious groups and organizations as well as leaders of public opinion in Liberia who, at the outset of the conflict, played an important role. Following his exchange of views with these organizations on the question of national reconciliation, my Special Representative has stressed the need to involve elders, community leaders and women's groups, in the search for lasting solutions to the long-standing causes of ethnic conflict. This would be an essential step to a major national reconciliation conference, organized and conducted by Liberians, which would address participatory democracy, the strengthening of civil society and reconstruction and development of the country.

34. As indicated earlier in the report, the number of Liberian refugees is estimated between 600,000 and 700,000. Many of these refugees are already registered with UNHCR. It is important to repatriate the refugees promptly after the cease-fire has been verified as sustainable, for two reasons: unburdening the neighbouring countries and ensuring the participation of the returnees in the electoral process. In order to facilitate this, UNHCR will be requested to update its information, including final destination of returnees, and make it available to the central database for preparing voters' lists. Resources for transportation and other assistance will also be required for repatriation.

35. In recent discussions of the Special Representative in Monrovia and Gbarnga, headquarters of NPFL, consideration was given to the polling date of 26 July 1993, the anniversary of national independence. However, continued hostilities now seem to rule out that date. An election date in October 1993 would be consistent with existing constitutional provisions. Whatever date is finally chosen, it would be desirable to have conditions which would allow for an agreement on a unified administration, complete freedom of movement, disarmament and encampment as essential ingredients for free and fair elections.

36. Decisions taken in ECOWAS meetings in Dakar from 27 to 29 July 1992 and Cotonou on 20 October 1992 and reaffirmed at Abuja on 7 November 1992, requested the United Nations to assist in the electoral process. Other international observers, for example, the International Negotiation Network (Carter Centre), the Republican Institute for International Affairs and the National Democratic Institute, both of the United States, the OAU, ECOWAS and the Commonwealth Secretariat, could also be invited to participate in monitoring the elections. Financial and technical assistance will be necessary at various stages for registration of voters, preparation of reliable voters' lists, delineation of constituency boundaries and in the general oversight, to ensure the credibility and integrity of the electoral process.

37. Regrettably, the resumption of fighting in Liberia in October 1992 continues at the present time. ECOMOG has succeeded in regaining control of Monrovia and surrounding areas and has recently taken over the international airport at Roberts Field, as well as White Plains, the source of Monrovia's water supply. ULIMO forces have meanwhile made advances beyond Cape Mount and Bomi counties. The intensification of the conflict and the wanton death and destruction which inevitably follow could threaten regional stability. This makes it imperative to continue the search for a lasting peace in Liberia and the surrounding countries.

V. OBSERVATIONS

38. The consultations of my Special Representative indicate that all of the warring factions in Liberia continue to accept the Yamoussoukro IV Accord as the most realistic basis on which a durable peace can be constructed. An essential first step in this process is the cessation of hostilities, to be followed by immediate encampment, disarmament and demobilization of the forces of the warring factions.

39. As in similar situations in other parts of the world, in Liberia, too it is the common people, for the most part, who have become the innocent victims of the civil war. This is particularly the case in regard to women, the aged and the very young. The United Nations, its agencies and the international NGO community have made a significant contribution, often in very difficult circumstances, to provide humanitarian assistance to the Liberian people without any discrimination. My Special Representative has devoted particular attention to this matter in his discussions in Liberia, in order to ensure safe routes and corridors so that no section of the target community is deprived of at least the basic essentials.

40. Liberia represents a good example of systematic cooperation between the United Nations and a regional organization, as envisaged in Chapter VIII of the Charter of the United Nations. From the beginning, diplomatic and even military initiatives have been taken by ECOWAS. The Yamoussoukro IV Accord was arrived at as a result of the efforts of ECOWAS and it has been the responsibility of ECOWAS to ensure the implementation of the provisions of that Accord. The role of the Security Council has been one of supporting the initiatives and endeavours of ECOWAS. This is clear from the presidential statements issued by the Council on 22 January 1991 [*S/22133*] and 7 May 1992 [*S/23886*]. It was at the initiative of ECOWAS that the Security Council convened on 19 November 1992 and adopted resolution 788 (1992). I believe that it would be the wish of the Council to continue and expand, as appropriate, this cooperative relationship between the United Nations and the concerned regional body.

41. The comprehensive economic sanctions imposed by ECOWAS are an important part of ECOWAS efforts to bring about a cessation of hostilities. The Security Council, for its part, supplemented ECOWAS action by imposing an arms embargo in its resolution 788 (1992). If requested, I would be willing to send a few experts who would extend technical assistance to ECOWAS in monitoring the sanctions. The Security Council may also wish to consider enlarging the scope of mandatory sanctions under Chapter VII of the Charter.

42. The discussions my Special Representative has had with the leaders of the warring factions as well as with the President of the Interim Government, the Executive Secretary and member States of ECOWAS indicate that there is a general consensus to the effect that the United Nations should assume a larger role in the search for peace in Liberia. The international community has an interest in the restoration of conditions of peace and stability in Liberia and in the West African subregion as a whole. One proposal, which has the support of all the parties as well as of ECOWAS, is that I should convene a meeting of the President of the Interim Government and the warring factions at which they would solemnly conclude and sign an agreement reaffirming their commitment to the Yamoussoukro IV Accord, as well as to implement promptly the various steps envisaged therein within an agreed time-frame. I am ready to extend whatever assistance I can to bring about an end to the senseless killings in Liberia. While I would be prepared, in principle, to convene such a meeting, I feel that it would be more appropriate if ECOWAS were to consider the situation in Liberia, preferably at summit level, to bring about the desired reconfirmation of the commitment of parties to the Yamoussoukro IV Accord. I have been informed by the Executive Secretary of ECOWAS about the meeting of that organization on 15 and 16 April, at which the heads of State would consider, *inter alia*, the Liberian situation. The United Nations, which must continue to play its supportive role, will be represented by Mr. Gordon-Somers, my Special Representative for Liberia.

43. Accordingly, I am asking my Special Representative to return to the region to resume his discussions with ECOWAS as well as with others concerned regarding the meeting mentioned above. He will also initiate

discussions among the United Nations agencies and with the Bretton Woods institutions and the African Development Bank on future rehabilitation and reconstruction plans for Liberia.

DOCUMENT S/25403

Report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia

[*Original: English*]
[*12 March 1993*]

INTRODUCTION

1. In my last report, of 8 February 1993 [*S/25248*], I informed the Security Council about the round of the peace talks on Bosnia and Herzegovina held in New York from 3 to 8 February 1993. Since then, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, Cyrus Vance and Lord Owen, have stayed in New York and continued to work for agreement on the comprehensive peace package [*S/25221, annexes II-IV*]. This resumed round of the peace talks lasted from 1 to 6 March 1993.

2. The recent efforts of the Co-Chairmen centred on the three elements of the peace package, and an additional component on interim arrangements: first, building on the constitutional principles for Bosnia and Herzegovina; second, settling the boundaries of provinces in the areas where agreement has not yet been forthcoming from the government delegation and the Bosnian Serb side; third, addressing questions that had prevented the Bosnian Government from signing the military agreement; and, in addition, promoting agreement among the three Bosnian sides on arrangements for the governance of the country in the interim period between the signing of a peace settlement and the holding of elections under a new Constitution.

I. CONSTITUTIONAL ISSUES

3. As members of the Council are aware, the three sides in Bosnia and Herzegovina signed, on 30 January 1993, the nine constitutional principles on the basis of which a new Constitution for Bosnia and Herzegovina is to be drafted. The agreed constitutional principles are reproduced in annex I below.

II. PROVINCIAL BOUNDARIES

4. In my report of 2 February 1993 [*S/25221*], I transmitted to the Council a provincial map that the Co-Chairmen of the Steering Committee had placed before the three sides and had invited them to sign. The Bosnian Croat side signed the map on 30 January 1993 [*ibid., annex III*].

5. In my report of 8 February 1993, I transmitted to the Council a revised map that the Co-Chairmen had put forward to the three sides [*S/25248, annex III*]. The Bosnian Croat side had signed the revised map on 7 February.

6. The Bosnian Government side and the Bosnian Serb side did not sign the map during the resumed round which ended on 6 March. With respect to the comprehensive peace package, a statement issued by the Bosnian Government upon the conclusion of this resumed round, 6 March, said: "... Progress had and continues to be made, and President Izetbegovic look(s) forward to returning to the United States toward the end of next week with the intention of moving the discussion forward to a successful conclusion ... We will continue our cause toward peace in good faith. We call upon others associated with the process to do the same." The Co-Chairmen made clear to all three sides that the provisional map would be the basis for the implementation of all interim arrangements until a final map has been agreed. The provisional provincial map recommended by the Co-Chairmen is reproduced in annex II below.

7. During the resumed round from 1 to 6 March, all aspects of the problem were extensively discussed and a number of new suggestions arose. In the light of their discussions with the three sides, the Co-Chairmen suggested the establishment of a Boundary Commission, to be set up by the Secretary-General in consultation with the Co-Chairmen. The Commission would receive and, if necessary, hear evidence from those affected by the proposed provincial boundaries and advise on the demarcation of the provinces to be included in the new Constitution. The Boundary Commission would consist of five persons: one each to be recommended by the three parties and two, one of whom shall be the Chairman, to be recommended by the Co-Chairmen. The decisions of the Commission would be adopted by consensus.

III. MILITARY AND RELATED ISSUES

8. In my report of 2 February 1993, I informed the Council that on 30 January the Co-Chairmen had invited the three sides to sign an agreement for peace in Bosnia and Herzegovina that dealt with the cessation of hostilities, the restoration of infrastructure, the opening of routes, the separation of forces, the demilitarization of Sarajevo, the monitoring of borders, and the return of forces to designated provinces [*S/25221, annex IV*]. The Bosnian Croats and the Bosnian Serbs signed the agreement on 30 January. The Bosnian Government stated on 30 January that it would not sign the agreement because it felt that the arrangements as to the control of heavy weapons were not strong enough. The Co-Chairmen invited President Izetbegovic to consult with the Commander of the United Nations Protection Force (UNPROFOR) to obtain clarification that the Co-Chairmen believed would meet his concerns and enable him to sign the agreement.

9. The agreement for peace was formulated at a time when the Co-Chairmen were seeking additional resources so as to guarantee implementation of the agreement, allow physical control of heavy weapons, and permit sufficient deployment to ensure physical separation of opposing forces. Subsequently, there have been some important developments:

(*a*) A Canadian battalion has now been deployed to Sarajevo and is positioned near the airport;

(*b*) Some countries have indicated that in the event of the achievement of an agreed peace settlement they would be prepared to help the United Nations implement that settlement. For instance, in a statement made on 10 February 1993, United States Secretary of State Warren Christopher stated that "the President has taken steps to make clear to all concerned that the United States is prepared to do its share to help implement and enforce an agreement that is acceptable to all parties. If there is a viable agreement containing enforcement provisions, the United States would be prepared to join with the United Nations, NATO [*North Atlantic Treaty Organization*], and others in implementing and enforcing it, including possible United States military participation. This is a shared problem, and it must be a shared burden";

(*c*) Discussions have taken place involving the Department of Peace-keeping Operations of the Secretariat, the UNPROFOR Commander and his colleagues, and representatives of NATO headquarters and of the Supreme Headquarters of the Allied Powers in Europe.

10. Furthermore, General Nambiar wrote to the Co-Chairmen on 2 March saying that, once substantial numbers of additional troops arrived in Bosnia and Herzegovina, it would be possible to deal fully with the concerns of both the Bosnian Government and the Bosnian Serbs. He considered that physical control of heavy weapons could be undertaken, thus meeting the concerns of the Bosnian Government, and that there would be adequate deployment of ground troops and observers to ensure physical separation of opposing forces, which would meet one of the concerns of the Bosnian Serbs.

11. In the light of these developments, the Bosnian Government agreed to, and signed, the military agreement on 3 March. The text agreed to and signed by all three sides is reproduced in annex III below.

IV. INTERIM ARRANGEMENTS

12. In my report of 2 February 1993, I informed the Security Council about the discussions the Co-Chairmen had held with the three Bosnian sides with regard to interim institutional arrangements. I noted that the Co-Chairmen had submitted a working paper on this subject and had invited the sides to comment on it [*ibid., annex V*].

13. The latest round of discussions have proceeded on the basis that until the entry into force of a new Constitution and the holding of elections thereunder, the present Constitution of Bosnia and Herzegovina should, except to the extent required to implement sections A and B below, continue in force. Also, the present powers of the *opstinas* would continue, as would their boundaries, except as required to conform to the agreed provisional provincial boundaries, or when changed by consensus.

A. *Human rights and the reversal of "ethnic cleansing"*

14. During the interim period, all persons in Bosnia and Herzegovina should be entitled to all rights provided for in the existing Constitution and in legislation in force, as well as to all rights provided for in specified international instruments on human rights. To the extent that there are any discrepancies, the provision providing the greater protection of human rights should be applied. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, should be treated as wholly null and void.

15. The implementation of the above-mentioned human rights should be ensured through:

(*a*) The courts of Bosnia and Herzegovina, to which all persons would have unimpeded access;

(*b*) An Interim Human Rights Court for Bosnia and Herzegovina, along the lines of that proposed by the Co-Chairmen for establishment by the new Constitution; and

(*c*) The four ombudsmen proposed by the Co-Chairmen for inclusion in the new Constitution, who would need to be supported by adequate staff and facilities.

16. In addition, it has been agreed that there should be an International Human Rights Monitoring Mission, to be established by the Secretary-General and to be headed by an Interim Human Rights Commissioner for Bosnia and Herzegovina, who would be based in Sarajevo. Deputy Commissioners would be based in various parts of the country. The Commissioner would be supported by international human rights monitors, deployed throughout the country and particularly in areas affected by "ethnic cleansing". They would observe the situation of human rights throughout Bosnia and Herzegovina, would intercede with the interim Presidency, with provincial authorities and with UNPROFOR to provide protection in urgent cases, would refer issues to the ombudsmen and to other human rights agencies as needed, and would work closely with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and other humanitarian agencies. The Commissioner would submit regular reports to the Secretary-General who would, in turn, report periodically to the Security Council and to other international bodies, including the United Nations Commission on Human Rights and its Special Rapporteur.

17. The central and other authorities should be required to give the fullest access, in respect of all relevant persons and places, to the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors, as well as to UNHCR, ICRC and other international humanitarian organizations.

18. It is also envisaged that as part of the UNPROFOR deployment in Bosnia and Herzegovina there should be a sufficiently large United Nations civilian police (UNCIVPOL) element whose task would be to see that the police in all parts of the country have an appropriately balanced ethnic composition; do not oppress members of minority ethnic groups; contribute positively to the reversal of "ethnic cleansing" by protecting persons returning after having been forced to flee; carry out the judgements of courts, in particular the Human Rights Court; and assist the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors.

19. The question of war indemnities was raised by the Bosnian Government but no conclusion was reached.

B. *Government arrangements*

1. *Background*

20. During the period between the entry into force of the peace settlement and the holding of free and fair elections, there is a need for an interim institutional mechanism so that the country can function effectively. The drafting of a new Constitution for the Republic of Bosnia and Herzegovina is expected to take months. Also, it is very likely to take more than a year for the many refugees and displaced persons to return to their homes. Nevertheless, free and fair elections must be held within two years; the date will be fixed by the interim Presidency in consultation with the Co-Chairmen.

21. At the time of the November 1990 general elections in Bosnia and Herzegovina, the Constitution provided for the election to the collective Presidency of two representatives from each of the three constituent peoples, together with one "other". The two Muslim members elected from the SDA Party were Fikret Abdic and Alija Izetbegovic. The two Serb members elected from the SDS Party were Nikola Koljevic and Biljana Plavsic. The two Croat members elected from the HDZ Party were Franjo Boras and Stjepan Kljuic. The seventh member of the Presidency, Ejup Ganic, was elected from the "other" or "Yugoslav" category.

22. The Constitution provided that the position of President of the Presidency should rotate among the three constituent peoples and that the member of the Presidency designated as President was to serve in that capacity for one year, renewable for a second year. In December 1990 Alija Izetbegovic was nominated by the SDA to serve as the first President. The Presidency then confirmed the nomination. In December 1991, the Presidency extended the mandate of President Izetbegovic for a second year.

23. In early 1992, the two Serb members of the Presidency, Nikola Koljevic and Biljana Plavsic, withdrew to protest the decision to hold a referendum on the proposed secession of the Republic of Bosnia and Herzegovina from the Socialist Federal Republic of Yugoslavia. The Serb President of the Bosnian Parliament, Momcilo Krajisnik, also withdrew. The Bosnian Serbs then declined to participate in the referendum, which was held on 29 February and 1 March 1992.

24. Following the outbreak of hostilities in Bosnia and Herzegovina in April 1992, the remaining members of the Presidency invoked a provision of the Constitution which apparently provides that during times of war, the seven-member Presidency could be expanded to include the Prime Minister, the President of the Parliament, and the Commander-in-Chief of the Armed Forces. By the same decision, the collective Presidency also assumed the powers and responsibilities of the Parliament [*see S/25248, annex I*].

2. *Interim Presidency*

25. Constitutional principle No. 5, signed by the three sides on 30 January 1993, provides that "the Presidency shall be composed of three elected representatives of each of the three constituent peoples" (see annex I below). Since this nine-member structure is to operate under the new Constitution, the Co-Chairmen have sought to apply the agreed structure in the arrangements for the interim period. During a meeting in Zagreb on 17 December 1992, President Izetbegovic and Mr. Boban specifically agreed to a nine-member structure for the interim period.

26. Keeping these factors in mind, the Co-Chairmen have discussed with the three sides the idea that they should nominate representatives to serve in an interim Presidency. The position of the President, to be elected by the interim Presidency, would rotate. The President would perform the role of head of State. The interim Presidency would be located in Sarajevo. The principal responsibilities of the interim Presidency would be as set out in document S/25221, annex V, section I. It would, naturally, be expected to act to ensure respect for human rights, in cooperation with the International Human Rights Monitoring Mission. It would also be expected to deal with the establishment and functioning of an International Access Authority, a National Power Authority, a National Bank, a National Post, Telegraph and Telecommunications Authority, an independent National Civil Aviation Authority, as suggested in document S/25221, annex V, sections V to IX. In addition to its national responsibilities, the interim central Government would administer any capital *opstina* that might eventually be agreed to in Sarajevo and have responsibility for its policing.

27. The Co-Chairmen also discussed with the three sides interim governmental arrangements in the provinces. They suggested that during the interim period, each province should have an interim provincial government composed of a Governor, a Vice-Governor and 10 other members. All these would be nominated by the parties on the basis of the composition of the population of the respective province, provided that none of the three constituent peoples would be left unrepresented in any province. To determine these relative percentages, the 1991 census was used. Consequently, the interim provincial governments would be composed as set out in document S/25221, annex V (annex A). Decisions of the provincial governments would normally be taken by a simple majority, except that the adoption of the provincial constitution and the setting of *opstina* boundaries would be taken by consensus.

28. The principal functions of the interim provincial governments would be as indicated in document S/25221, annex V, section II. They would, naturally, be expected to act to ensure respect for human rights, in cooperation with the International Human Rights Monitoring Mission. An UNPROFOR Military Liaison Officer, as well as an UNCIVPOL Liaison Officer, would be attached to the staff of each provincial government to assist in the carrying out of its functions.

29. In the light of the ideas on interim governmental arrangements put to the three sides by the Co-Chairmen, President Izetbegovic, Minister for Foreign Affairs Silajdzic, Mr. Boban and Prime Minister Akmadzic signed an agreement on 3 March 1993 which contained the following relevant provisions:

(*a*) The responsibilities of the Presidency and of the Government of the Republic of Bosnia and Herzegovina, as well as of the provinces, will be in accordance with the letter and spirit of the constitutional principles agreed and signed by the parties.

(*b*) The institution of the Presidency will be preserved during the interim period. There will be nine members on the interim Presidency, with three representatives from each of the three constituent peoples. Since the Republic of Bosnia and Herzegovina is to be demilitarized as provided for in constitutional principle No. 7, the Commander-in-Chief of the Armed Forces will not continue to serve in the interim Presidency.

(*c*) The nine members of the interim Presidency will designate one member to serve as President of the Presidency. The President will perform the role of head of State. The position of President will rotate every six months among the three constituent peoples in accordance with the existing sequence of rotation (Muslim, Croat, Serb).

(*d*) The interim Presidency will take its decisions by consensus of nine, by a qualified majority of seven, or by a simple majority of five depending on whether the decision relates to a constitutional principle, or specially important questions, or to normal business of the Presidency. If the members of the interim Presidency are unable to agree on the applicable majority, they will consult the Co-Chairmen, whose decision will be binding.

(*e*) The two sides have each submitted three names to the Co-Chairmen to serve in the interim Presidency. The Co-Chairmen have been requested to ask the Bosnian Serbs to propose three representatives to serve on the interim Presidency.

30. In subsequent discussions with the Co-Chairmen, the Bosnian Government, the Bosnian Serb and the Bosnian Croat sides discussed the functions of the interim Presidency and the interim central Government. The Bosnian Serb side again reiterated its wish for a central coordinating body that would be a new vehicle for government. They did not wish to revert back to the institution of the Presidency, which in their view had failed them in the past. The Co-Chairmen demonstrated why the interim Presidency was different: it was not a seven-member Presidency but a nine-member Presidency, with the three constituent peoples fully represented. There was now a proper decision-making procedure, which would prevent stalemate, or one or two constituent peoples being able to impose on the other. The distribution of powers and competencies between the centre and the

provinces were also identified in keeping with the agreed decision to create a decentralized Bosnia and Herzegovina.

31. The Co-Chairmen explained further that, in the interim period, where a consensus amongst the three constituent peoples was highly desirable in the aftermath of hostilities, the role of the interim Presidency and interim government would inevitably be more like that of a coalition government. This arrangement would not prejudge negotiations over a new Constitution, whereunder the role of the Presidency and a democratically elected Parliament and government would be bound to be different and reflect more accurately the will of the people. Even so, the Presidency would be bound to have important reserve powers to safeguard the rights of the constituent peoples.

32. The Co-Chairmen explained that the interim Presidency would be responsible for appointing ministers to the interim central Government and determining the role of such ministries as are deemed appropriate, and to establish the necessary agencies and other aspects of government. The principal responsibilities of the interim Presidency and the interim central Government would be as follows:

1. Preparations for the holding of free and fair elections, on the basis of the new Constitution, under international supervision;

2. Relations with ICFY [*International Conference on the Former Yugoslavia*], the Mixed Military Working Group, UNPROFOR (including UNCIVPOL), and the European Community Monitoring Mission (ECMM);

3. Coordination with the Interim Human Rights Commissioner, the Deputy Commissioners and human rights monitors;

4. Coordination with UNHCR, ICRC, WHO and other relevant agencies on the return and rehabilitation of refugees and displaced persons;

5. Foreign affairs (including membership in international organizations);

6. International commerce (customs duties, quotas);

7. Citizenship;

8. Raising of any taxes required to carry out its functions;

9. Coordination of the provincial police;

10. Coordination of assistance for technical functions (e.g., crime laboratories);

11. Coordination with international and foreign police authorities.

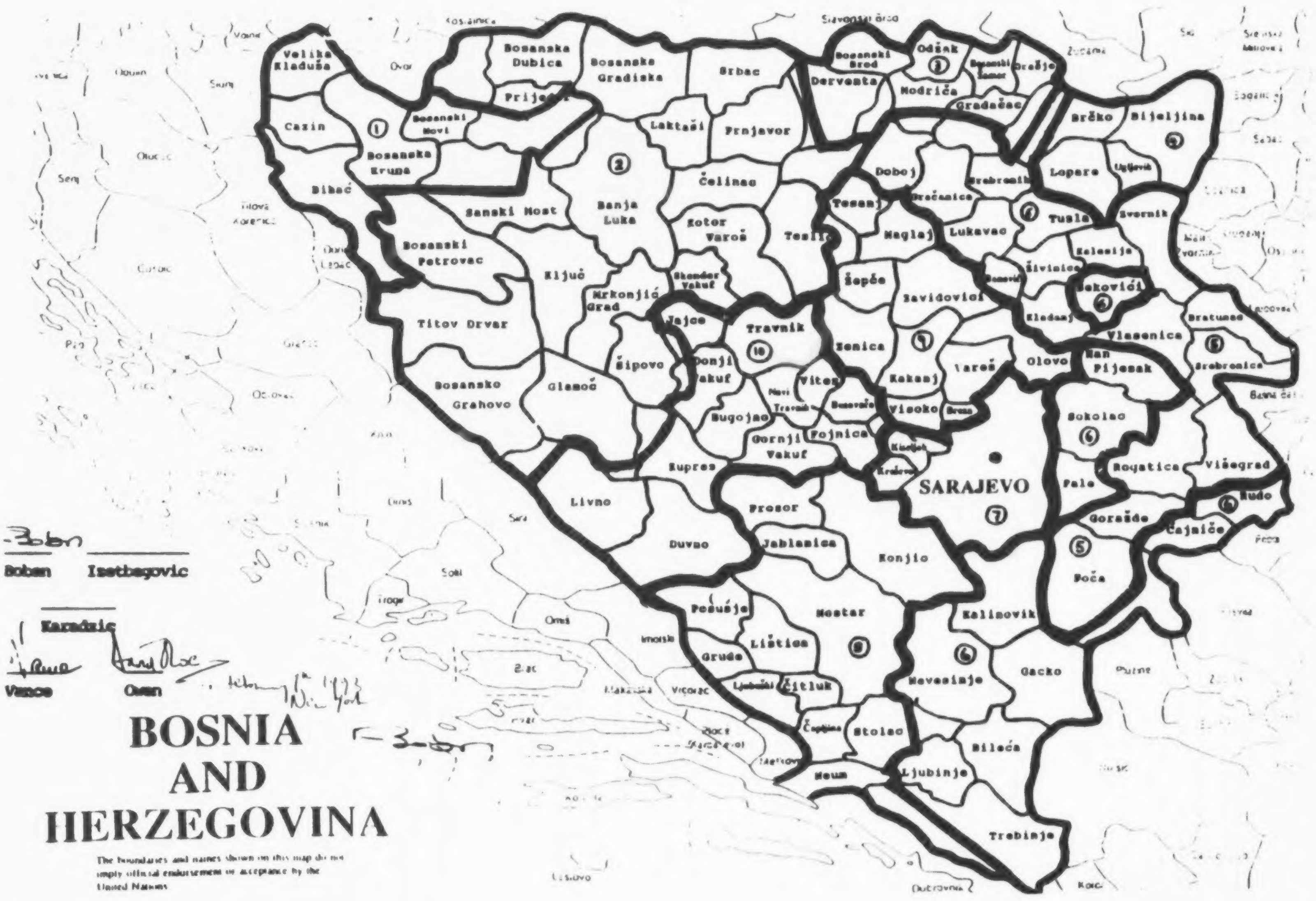
33. There was some discussion about the organization and structure of the police in the future. The Co-Chairmen, in their constitutional proposals of 27 October 1992, had proposed that all uniformed police should be controlled by the provinces or by local authorities under them. All police forces should be fully integrated. At the national level there would be no uniformed, armed police, but a coordinating office to assist the provincial police authorities and to maintain contacts with international and foreign police authorities (e.g., INTERPOL).

34. Discussions took place about arrangements for the governance of the provinces during the interim period along the lines contained in the working paper put forward by the Co-Chairmen for discussion [*S/25221, annex V, section II*] and on the understanding that it would be for the interim Presidency to give effect to these guidelines.

35. As to the governance of the province of Sarajevo, the Bosnian Croat side accepted the Co-Chairmen's compromise of the province being governed by three representatives each of the three constituent peoples. There was no agreement on the part of the Bosnian Government and the Bosnian Serb sides, each proposing different alternatives. It was apparent to the Co-Chairmen that the issue required further study. The Co-Chairmen said it would be possible for the whole issue of the future government of Sarajevo to be referred to the Boundary Commission, but that while such reference was being made, an interim provincial government still had to be established.

V. CONCLUDING OBSERVATIONS

36. Significant progress was made at this latest round of the peace talks. With the Bosnian Government's signature of the military agreement, seven out of nine signatures required for the conclusion of the peace settlement plan have been obtained. Additionally, President Izetbegovic assured the Co-Chairmen of his return to New York after a few days with the intention of successfully concluding the peace talks in New York. After six months of intensive negotiations, during which time the Co-Chairmen have persistently worked for a just and durable settlement, it is now crucial that the Bosnian Government and the Bosnian Serbs agree to and sign the provincial map as quickly as possible, so that implementation may commence. Agreement on the peace plan and its rapid and robust implementation offer the best prospect for improving the situation in Bosnia and Herzegovina.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Boban Izetbegovic

Karadzic

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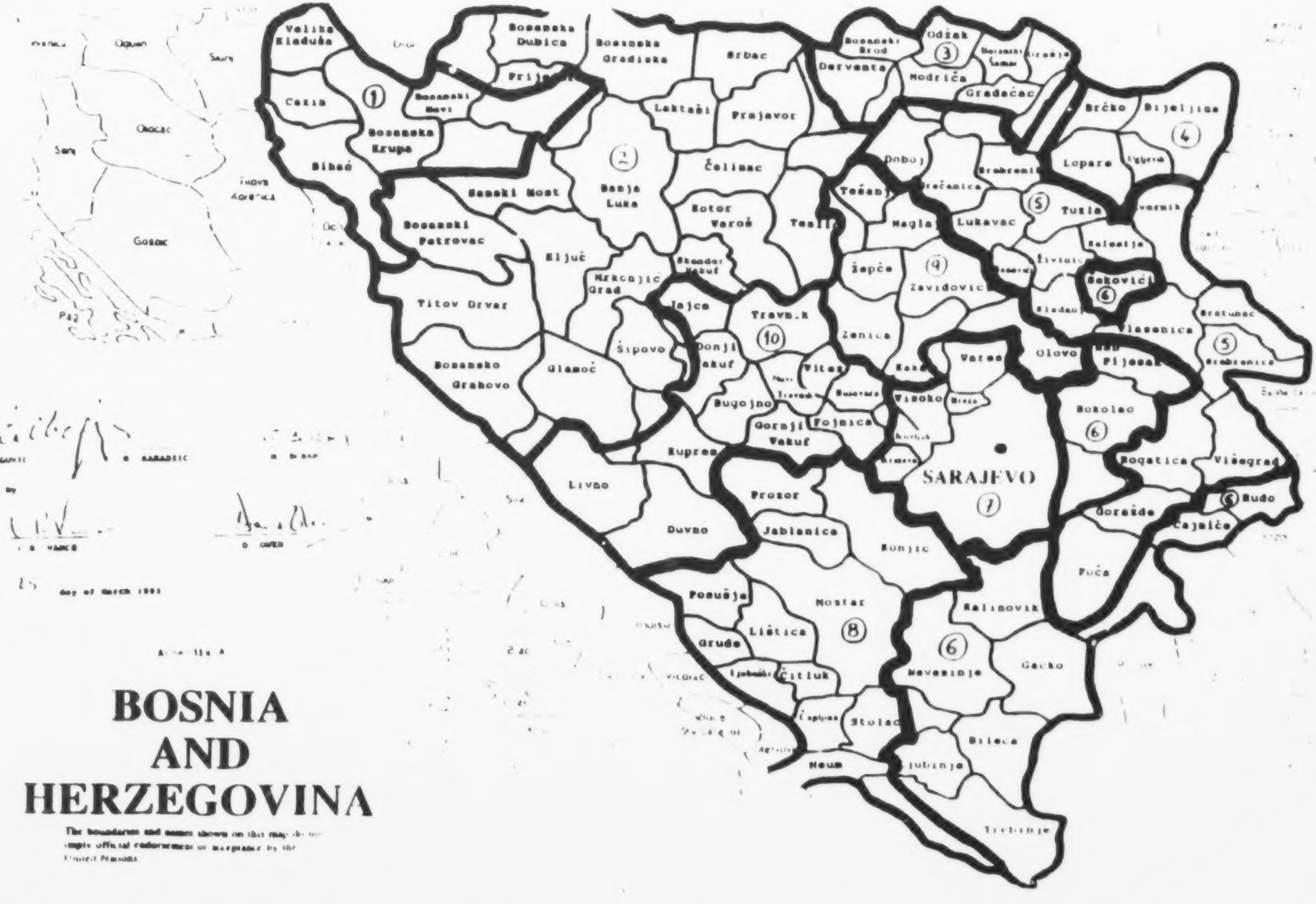
BOSNIA AND HERZEGOVINA

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations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Titova Korenica
Pag

7 Izetbegović
A. IZETBEGOVIC

R. KARADZIC

M. BOBAN

Witnessed by

C.R. VANCE

D. OWEN

New York 25 day of March 1993

[illegible]

BOSNIA
AND
HERZEGOVINA

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations

ANNEX III

Agreement for peace in Bosnia and Herzegovina

[*For the text of the agreement, see document S/25221, annex IV, above.*]

DOCUMENT S/25405

Letter dated 12 March 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

[*Original: English*]
[*12 March 1993*]

I have the honour to transmit a letter dated 12 March 1993, addressed to you by Mr. Kim Yong Nam, Minister for Foreign Affairs of the Democratic People's Republic of Korea.

(*Signed*) PAK Gil Yon
Permanent Representative
of the Democratic People's Republic of
Korea to the United Nations

LETTER DATED 12 MARCH 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I would like, upon authorization, to inform the Security Council that the Government of the Democratic People's Republic of Korea decided on 12 March 1993 to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons,[10] in accordance with paragraph 1 of article X of the Treaty, in connection with the extraordinary situation prevailing in the Democratic People's Republic of Korea, which jeopardizes its supreme interests.

The United States together with south Korea has resumed the "Team Spirit" joint military exercises, a nuclear war rehearsal, threatening the Democratic People's Republic of Korea, and instigated some officials of the secretariat of the International Atomic Energy Agency (IAEA) and certain Member States to adopt an unjust "resolution" at the meeting of the IAEA Board of Governors on 25 February 1993 demanding that we open our military sites that have no relevance at all to the nuclear activities, in violation of the IAEA statute, the safeguards agreement and the agreement the IAEA had reached with the Democratic People's Republic of Korea.

This is an undisguised strong-arm act designed to disarm the Democratic People's Republic of Korea and strangle our socialist system, which jeopardizes its supreme interests.

If such an act were tolerated, it would only set a precedent for helping to legitimize the nuclear threats against the non-nuclear-weapon State parties and interference in their internal affairs, to say nothing of our country falling victim to a super-Power.

I hope that the Security Council will take note of the decision of the Government of the Democratic People's Republic of Korea to withdraw from the Treaty until the United States nuclear threats and the unjust conduct of the IAEA against the Democratic People's Republic of Korea are recognized to have been removed.

(*Signed*) KIM Yong Nam
Minister for Foreign Affairs
Democratic People's Republic of Korea

DOCUMENT S/25406*

Letter dated 9 March 1993 from the representative of South Africa to the Secretary-General

[*Original: English*]
[*12 March 1993*]

As you are aware, a Multi-party Planning Conference, aimed at securing consensus on the resumption of full-scale, multi-party constitutional negotiations, was held at Kempton Park, South Africa, on 5 and 6 March 1993.

I have pleasure in informing you that, on 6 March 1993, the Multi-party Planning Conference, attended by 26 delegations representing the full spectrum of political parties and organizations in South Africa, adopted a resolution in accordance with which:

(*a*) The participants committed themselves, individually and collectively, to the resumption of multi-party constitutional negotiations within the next month;

(*b*) It was agreed that the multi-party forum would be reconvened, as a matter of national urgency, not later than 5 April 1993.

The text of the resolution, adopted unanimously, with the single exception of the Conservative Party, is attached.**

The significance of this development is twofold:

(*a*) Political parties and movements that did not previously participate in the Convention for a Democratic South Africa (CODESA) attended the Multi-party Planning Conference, thus ensuring that the principle of inclusiveness, basic to the negotiation process, is promoted;

(*b*) The decision to resume multi-party negotiations by 5 April 1993 is in step with the timetable for the transitional process announced by State President de Klerk on 26 November 1992 [*see S/24866*], which envisaged the resumption of the multi-party forum by the end of March 1993.

I should be grateful if the present letter could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) V. R. W. STEWARD
Permanent Representative of
South Africa to the United Nations

DOCUMENT S/25407

Letter dated 12 March 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

[*Original: English*]
[*12 March 1993*]

I have the honour to transmit to you a statement of the Government of the Democratic People's Republic of Korea issued at Pyongyang on 12 March 1993.

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*Circulated under the double symbol A/48/114-S/25406.

**The resolution is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

I request that this letter, together with the enclosed statement, be circulated as a document of the Security Council.

(*Signed*) PAK Gil Yon
Permanent Representative
of the Democratic People's Republic
of Korea to the United Nations

TEXT OF THE STATEMENT

A grave situation has been created today in our country, which threatens its national sovereignty and the security of our State.

The United States and the South Korean authorities have defiantly resumed the "Team Spirit" joint military exercises, a nuclear war rehearsal against the Democratic People's Republic of Korea, and, in coincidence with this, some officials of the secretariat of the International Atomic Energy Agency (IAEA) and certain member nations, following the lead of the United States, had a "resolution" adopted at the 25 February meeting of the IAEA Board of Governors, demanding a special inspection of our military sites unrelated to nuclear activities.

This is an encroachment on the sovereignty of the Democratic People's Republic of Korea, an interference in its internal affairs and a hostile act aimed at stifling our socialism. The Government of the Democratic People's Republic of Korea sharply condemns the reckless nuclear war machinations of the United States and the South Korean authorities against the Korean people and decisively rejects the unjust resolution of the meeting of the IAEA Board of Governors.

Proceeding from its anti-nuclear, peace policy, the Government of the Democratic People's Republic of Korea joined the Treaty on the Non-Proliferation of Nuclear Weapons[10] and has since fulfilled its obligations under the Treaty in good faith. It was on the premise that the depository States of the Treaty should neither deploy their nuclear weapons on the Korean peninsula nor pose any nuclear threat against the Democratic People's Republic of Korea that the Government signed the safeguards agreement with IAEA and accepted the IAEA inspections.

Nevertheless, the United States remains unchanged in continuing its nuclear war threats against the Democratic People's Republic of Korea, far from fulfilling its obligations under the Treaty as a nuclear-weapon State to withdraw its nuclear weapons from South Korea and remove its nuclear war threats against the Democratic People's Republic of Korea. The United States still maintains its nuclear weapons in South Korea and continues to reinforce its nuclear storage there with modernized nuclear weapons and equipment.

This serves to prove that the "statements" such as the so-called announcement on the "complete withdrawal of tactical nuclear weapons" by the United States and the "declaration on the absence of nuclear weapons" by the South Korean authorities were all nothing but a trickery to deceive our people and the peoples of the world.

Although an agreement on non-aggression was reached between the North and the South and the Democratic People's Republic of Korea has been faithfully fulfilling its international obligations under the Treaty and the safeguards agreement, the proposed inspection of the United States nuclear weapons and nuclear bases in South Korea remains yet to be carried out and our people's misgivings about the United States nuclear threats have not yet been dispelled.

Despite the strong opposition by our people and the peoples of the world, the United States resumed, when the inspection of our country by IAEA was going on, the "Team Spirit" joint military exercises which it had suspended before the IAEA inspections started, thus openly increasing its nuclear threats.

The "Team Spirit" joint military manoeuvres run downright counter to the idea and purposes of the Treaty which calls for respect of territorial integrity and sovereignty and an end to nuclear threat. The resumption of the "Team Spirit" joint military manoeuvres, a nuclear war rehearsal targeted against the Democratic People's Republic of Korea, is driving the situation on the Korean peninsula to an unpredictable extreme, which has compelled our country to enter a semi-war state.

Still more grave is the fact that IAEA passed a resolution aimed at forcing a "special inspection" of our military installations, thus joining the United States in its anti-Democratic People's Republic of Korea machinations to "internationalize" the so-called "nuclear problem" of the Democratic People's Republic of Korea and to impose "collective sanctions" and "pressure" on it.

It is on the basis of the "intelligence information" fabricated by the United States, a belligerent party *vis-à-vis* the Democratic People's Republic of Korea, that some officials of the IAEA secretariat are trying to enforce the inspection of our major military installations which are unrelated to nuclear activities.

As for an inspection of the military installations in question, it has nothing to do at all with the inspections under the safeguards agreement. And it is a matter outside the competency of IAEA.

If we submissively accept an unjust inspection by IAEA, it would legitimize the espionage acts by the United States, a belligerent party *vis-à-vis* the Democratic People's Republic of Korea, and set the beginning of the full exposure of all our military installations. Under our specific conditions in which the country still remains divided and exposed to the constant nuclear threats from the United States, it will be totally inconceivable to lay our military sites open to the enemies.

It is an old method of the United States to satisfy its demands one by one, that is, to demand the opening of one military site today and another tomorrow.

If we refuse to accept the "special inspection" of our military sites, the United States plans to charge the Democratic People's Republic of Korea with "non-implementation of the special inspection" and take the matter to the Security Council so as to impose "collective sanctions" against us. This is the very scenario which the United States has written in advance.

If we failed to hold in check such conspiracy of the United States and its followers, our entire nation would be driven into confrontation and war and be made a victim of the big Powers.

Some officials of the IAEA secretariat have broken away from their original standpoint of supervising the implementation of the Treaty on the basis of impartiality and strict neutrality. Therefore, they can never evade the responsibility for joining the United States in its anti-Democratic People's Republic of Korea manoeuvres.

Some officials of the IAEA secretariat insist so stubbornly on the "inspection" of our military bases, as dictated by the United States, while ignoring our demand for an inspection of the nuclear weapons and nuclear bases of the United States in South Korea. This is obviously an act biased in favour of the United States, a belligerent party *vis-á-vis* the Democratic People's Republic of Korea.

Moreover, we can hardly repress our indignation at the application of dual criteria by IAEA, which is putting pressure to bear upon the Democratic People's Republic of Korea on charges of the alleged "nuclear weapons development", while tacitly approving the moves of Japan and South Korea for their nuclear armament.

The accession to the Treaty by the Government of the Democratic People's Republic of Korea was intended to remove the nuclear threats of the United States against the country, never to sacrifice its sovereignty and security for someone's benefit. Because of the imprudent machinations on the part of the United States and its adherent forces, each time we undergo an inspection of IAEA the nuclear threats against the Democratic People's Republic of Korea increase, and the peace and security on the Korean peninsula is not ensured but disturbed.

All these facts evidently show that the United States, those forces hostile to the Democratic People's Republic of Korea and some officials of the IAEA secretariat are misapplying the Treaty to jeopardize the sovereignty and security of our country, a non-nuclear-weapon State, and stifle our socialist system.

Under such abnormal situation prevailing at present, we are no longer able to fulfil our obligations under the Treaty.

The Government of the Democratic People's Republic of Korea declares its decision to withdraw unavoidably from the Treaty as a measure to defend its supreme interests.

The withdrawal from the Treaty is a well-justified self-defensive measure against the nuclear war manoeuvres of the United States and the unjust act of some officials of the IAEA secretariat against the Democratic People's Republic of Korea. The principled stand of the Democratic People's Republic of Korea will remain unchanged until the United States stops its nuclear threats against the Democratic People's Republic of Korea and the IAEA secretariat returns to its principle of independence and impartiality.

The United States must give up its outdated way of thinking of the cold war era and immediately stop the "Team Spirit" joint military exercises, a nuclear war rehearsal, and refrain from manipulating IAEA to discredit and strangle the non-nuclear-weapon States.

Even if the United States, the forces hostile to the Democratic People's Republic of Korea and some officials of the IAEA secretariat threaten us with the "special inspection" or a certain "measure", we will never be frightened in the least. No robber-like argument and strong-arm acts will go down with us. Whatever "military threat", "political and ideological offensive" or "blockade" cannot block the march of our people.

The policy of the Government of the Democratic People's Republic of Korea of using nuclear energy for peaceful purposes remains unchanged and our people will continue to make every effort to turn the Korean peninsula into a nuclear weapon-free zone.

We avail ourselves of this opportunity to express our thanks to many IAEA member States and a number of the members of the IAEA Board of Governors cherishing international justice for their support and sympathy for the just stand of the Democratic People's Republic of Korea.

Our rejection of the unjust "resolution" forced by the United States upon the meeting of the IAEA Board of Governors is meant to defend our country's sovereignty and at the same time to safeguard the common interests of the developing countries.

The Government of the Democratic People's Republic of Korea and the Korean people are convinced that the Governments and peoples of the countries of the world that value peace and justice will pay profound attention to the serious situation on the Korean peninsula and extend their support and solidarity to the self-defensive measure of the Government of the Democratic People's Republic of Korea.

DOCUMENT S/25408

Letter dated 12 March 1993 from the representative of Azerbaijan to the President of the Security Council

[*Original: English*]
[*12 March 1993*]

I have the honour to transmit to you the text of a statement of the Ministry of Foreign Affairs of the Azerbaijani Republic on 10 March 1993 regarding the declaration of the President of the Russian Federation, Boris Yeltsin, made at the congress of the "Civil Union" on 28 February this year.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Hassan A. HASSANOV
Permanent Representative
of Azerbaijan to the United Nations

TEXT OF THE STATEMENT

[*Original: Russian*]

Azerbaijan notes with concern the increasingly strident calls in recent months in the Russian Federation for the restoration of Russia's previous military and political influence in the territory of the former Union of Soviet Socialist Republics. It is regrettable that calls of this nature more and more frequently emanate from representatives of the highest echelons of power in Russia. Thus, in his address on 28 February 1993 at the congress of the "Civil Union", President B. Yeltsin of the Russian Federation stated that "a time had come when the appropriate international organizations, including the United Nations, should grant Russia special powers as the guarantor of peace and stability in the territory of the former Soviet Union".

This statement cannot fail to cause well-founded concern and a sense of outrage in Azerbaijan. In this connection, the Ministry of Foreign Affairs of Azerbaijan states that the granting of special powers to Russia will inevitably lead to interference in the internal affairs of the new sovereign States and will ultimately jeopardize their national independence and territorial integrity.

For international organizations to grant Russia the mandate of a "guarantor of peace and stability in the territory of the former Soviet Union" would constitute a flagrant violation of all universally recognized norms of international law, including the Charter of the United Nations, the basic principles of the Conference on Security and Cooperation in Europe (CSCE) and those of other authoritative international organizations.

Russia's ambition to secure the status of "guarantor" runs counter to the Russian leadership's repeated assertions of its desire to base its relations with the new independent States on the principles of good-neighbourliness, equal rights and non-interference in one another's internal affairs.

The Azerbaijani leadership considers initiatives of this nature to be unconstructive and inconsistent with new international realities. Our position with regard to regional conflicts and, in particular, the Armenian-Azerbaijani conflict, is based on the priority of the peacemaking efforts of CSCE, in which framework we welcome the active participation of Russia as a full member of the Minsk negotiating process.

The Ministry of Foreign Affairs of Azerbaijan considers it imperative to inform the Secretary-General of the United Nations and the President of the Security Council of its position on this question.

DOCUMENT S/25409

Letter dated 12 March 1993 from the representative of Viet Nam to the Secretary-General

[*Original: English*]
[*13 March 1993*]

Upon instructions from my Government, I have the honour to transmit to you herewith a statement made on 11 March 1993 by the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam, strongly denouncing the most barbarous acts of massacre committed by Democratic Kampuchea forces against Vietnamese residents in Cambodia, and request you to kindly circulate the statement as a document of the Security Council.

(*Signed*) TRINH XUAN LANG
Permanent Representative
of Viet Nam to the United Nations

TEXT OF THE STATEMENT

According to the latest news, on 10 March 1993 a force of the "Democratic Kampuchea" attacked the fishing village of Chong Kneas, 10 kilometres south of Siem Riep in Cambodia, killing 33 Vietnamese, of whom 8 were children, and wounding 29 others, of whom 26 were Vietnamese and 3 Cambodians. On the morning of 11 March, a spokesman for the United Nations Transitional Authority in Cambodia (UNTAC) confirmed the above-mentioned incident.

Following a series of barbarous acts of terrorism against Vietnamese residents in Cambodia in recent times, this is the largest massacre of Vietnamese residents in Cambodia conducted by the "Democratic Kampuchea" faction since the signing of the Paris agreements on a comprehensive political settlement of the Cambodia conflict [*S/23177, annex*]. This massacre is a new and extremely blatant challenge to mankind's conscience, crudely encroaching upon international documents on human rights, and inciting national hatred between Cambodia and Viet Nam. This is also a blatant violation of the Paris agreements on Cambodia and the appendices.

The savage massacre of Vietnamese residents by the "Democratic Kampuchea" in Siem Riep on 10 March is a very dangerous escalations step in a series of their acts of undermining the peace process and stability in Cambodia. If resolute measures are not taken there will be a danger of recurrence of massacre in Cambodia, the consequences of which are unforeseeable.

The Government of the Socialist Republic of Viet Nam strongly condemns the new, bloody act of the "Democratic Kampuchea", and demands that it put an immediate end to such acts. The Government of the Socialist Republic of Viet Nam earnestly urges the justice-loving public opinion the world over to resolutely condemn this savage act and to raise their voice to protect the human rights of the Vietnamese residents in Cambodia.

The Government of the Socialist Republic of Viet Nam demands that the United Nations, the Co-Presidents of the Paris Conference on Cambodia and the parties to the Paris agreements, the Supreme National Council and particularly UNTAC, in their power and functions as stipulated by the Paris agreements, take urgent measures immediately to stop the savage massacre of Vietnamese residents and defend their peaceful life in accordance with the spirit of the Paris agreements as well as international documents on human rights, including the right to personal safety stated in the International Convention on the Elimination of All Forms of Racial Discrimination[4] and the right of minority communities.

DOCUMENT S/25412

Letter dated 11 March 1993 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*13 March 1993*]

The Croatian Government welcomes the report of a preliminary site exploration of a mass grave near Vukovar, former Yugoslavia, by Physicians for Human Rights, dated 19 January 1993, and enclosed as annex II to your letter to the President of the Security Council dated 9 February 1993 [*S/25274*], with the reservation already expressed in my letter of 16 February 1993 [*S/25301*].

In reference to the recommendation in section V of the report, I wish to emphasize that the Republic of Croatia fully endorses Security Council resolution 808 (1993) and the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. At the same time, my Government will strongly welcome immediate international action under the auspices of the Commission of Experts or any other body designated by the Security Council or the Secretary-General in accordance with Security Council resolutions 771 (1992) and 780 (1992). The Republic of Croatia is ready to join in the efforts of the Commission of Experts or another designated body in order to reveal the real and indisputable truth of the circumstances in which the people buried in the mass graves in the location "Ovcara" lost their lives.

We accept the proposal set forth in the report that - after the on-site excavation and the transportation of the bodies to a secure place has occurred - the medico-legal examination should be undertaken in the 212 US Mash Unit at Zagreb Airport. The University of Zagreb School of Medicine will provide all the necessary assistance for these efforts, but is unable to assure the appropriate location and does not have adequate means at its disposal to handle the probable number of victims. Some additional medical equipment would have to be acquired to facilitate the examinations.

Since possible future criminal action against the perpetrators can be foreseen, all the examinations undertaken by the Commission of Experts or another designated body would have to be done according to the provisions set forth in the Criminal Procedure Act and other relevant laws and regulations of the Republic of Croatia, and in the presence of the relevant Croatian authorities.

Owing to the reverence for the innocent victims and the highly sensitive public opinion in Croatia, my Government would not be able to consent at this time to transporting the remains for examination outside the borders of the Republic of Croatia.

At the same time, I would like to reiterate the previously expressed concerns of my Government for the inadequate attention given to other mass grave locations in Croatia, since an official investigation has been instigated only for the location at "Ovcara". The full protection of the sites has been requested for the locations in the surroundings of Vukovar, Lovas, Tovarnik, Jakobovac, Petrovci, Ernestinovo, Tordinci, Dalj, Berak and Bogdanovci; immediate on-site investigation has been requested for the locations in Saborsko (United Nations Protected Area (UNPA) South), Banija (UNPA North); consideration of the documentation has been requested in connection with massacres in Nadin and Skabrnja (UNPA South). Little or nothing has been done so far, and we would like to see the necessary steps taken in order to provide for the protection of the sites and the beginning of the investigatory process.

I would ask for your kind assistance in distributing this letter as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative

of Croatia to the United Nations

DOCUMENT S/25413

Letter dated 11 March 1993 from the representative of the Slovak Republic to the President of the Security Council

[*Original: English*]
[*15 March 1993*]

I have the honour to refer to the letter of 29 January 1993 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council [*S/25195*].

In the annex to that letter, which is entitled "Movement of vessels with petroleum products through Ukrainian waters in the Danube (30 November 1992-23 January 1993)" mention is made of Slovak companies allegedly being the receivers of some of the gasoline or diesel shipments indicated.

I have the honour to inform you that the competent Slovak authorities have undertaken an investigation and have found that none of the vessels and barges mentioned in document S/25195 entered the port of Bratislava in the period between 11 November 1992 and 2 March 1993 with the exception of a Romanian vessel carrying 3,107,390 kilograms of cargo for Slovnaft Bratislava organized by the Austrian Avanti AG Wien Shipping Company. The Slovak firm Goldstar mentioned in document S/25195 is unknown in Slovakia and is not on the list of contractors to the Slovak Danube Shipping Company.

I would be grateful if you could have this letter issued as a document of the Security Council.

(*Signed*) Eduard KUKAN
Permanent Representative
of the Slovak Republic
to the United Nations

DOCUMENT S/25414

Letter dated 12 March 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*15 March 1993*]

Today, the Permanent Mission of the Republic of Bosnia and Herzegovina was informed by our Government that Serbian and Montenegrin extremist forces have amassed troops at four points around Srebrenica. Many of these new troops arrived directly from Serbia and Montenegro. These besieging forces have been supplemented by heavy artillery and approximately 50 tanks.

The intensification of the siege of Srebrenica has aggravated the already desperate humanitarian situation in the region. If the aggressor forces are not compelled to desist or retract from these hostile acts, it is feared that Srebrenica and its civilian population, now swelled by refugees to 70,000, will suffer the same humanitarian catastrophe that befell Cerska. In addition, these hostile acts will further worsen the dramatic circumstances of the refugees around Cerska and Konjevic Polje.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25415

Letter dated 13 March 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[*Original: English*]
[*15 March 1993*]

I am disturbed to report that the siege of the town of Srebrenica is now well into its fourth day and has intensified, putting the town's civilian population of 70,000 ever closer to catastrophe.

Sarajevo came under heavy shelling from aggressor forces, which resulted in numerous deaths and many more injuries. Furthermore, Serbian and Montenegrin forces shelled Butmir Airport and blocked an UNPROFOR controlled road, which is used for transport to and from the airport. These attacks and the blockade of the airport road were carried out deliberately to hamper and prevent members of the Parliament of the Republic of Bosnia and Herzegovina from convening to consider developments at the International Conference on the Former Yugoslavia.

We reiterate that these actions severely frustrate the efforts of those pursuing peace at the Conference. Further addressing these concerns, I have the honour to transmit the attached letter of 13 March 1993 from our delegation to you.

May I ask your kind assistance in circulating this letter and its attachment as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

TEXT OF THE LETTER

For the fourth day in a row, Serbian and Montenegrin forces have surrounded the town of Srebrenica, employing heavy artillery and 50 tanks from the Republic of Serbia. These besieging forces are endangering the lives of the 70,000 residents and refugees in the area. The aggressor forces are determined to take Srebrenica and overrun the civilian population.

Since this morning, Serbian and Montenegrin forces have shelled Sarajevo from all sides. Scores have been killed and injured, particularly in the Stari Grad ("Old Town") section of the city.

This morning, 13 March 1993, the aggressor forces launched rocket and grenade attacks against Butmir Airport. These attacks are a concerted effort to prevent representatives of the Parliament of the Republic of Bosnia and Herzegovina from arriving at the airport and holding a session, scheduled for tomorrow, 14 March 1993, that was to consider action with regard to the International Conference on the Former Yugoslavia. The aggressor forces used infantry, two armoured personnel carriers, and two tanks to make impossible passage of a road, under UNPROFOR jurisdiction, used for transport to and from Butmir Airport. This new blockade is at the same point on the same road where Deputy Prime Minister Hakija Turajlic was murdered.

The delegation also reminds the international community that previous negotiations in Lisbon, London and Geneva were all carried out under continuing Serbian and Montenegrin genocide against our Republic's population. Regrettably, it is evident that Serbian and Montenegrin forces have carried these precedents over to the talks here at the United Nations in New York. These most recent acts of hostility are another obvious attempt to prevent the continuation of the peace talks. We therefore ask that the international community take urgent action and the necessary measures to reverse these most recent acts of aggression with the intention of establishing an environment of integrity for the current round of peace talks.

(*Signed*) Haris SILAJDIC
Head of delegation

(*Signed*) Miro LAZOVIC
Member of delegation

(*Signed*) Muhamed FILOPOVIC
Member of delegation

(*Signed*) Colonel Stjepan SIBER
Member of delegation

(*Signed*) Kasim TRNKA
Member of delegation

DOCUMENT S/25418

Letter dated 15 March 1993 from the representative of Azerbaijan to the President of the Security Council

[*Original: English*]
[*16 March 1993*]

I have the honour to transmit to you the text of a statement issued by the Ministry of Foreign Affairs of the Azerbaijani Republic on 11 March 1993 concerning the ongoing situation in the conflict between Armenia and Azerbaijan and the involvement of CSCE [*Conference on Security and Cooperation in Europe*] in resolving this conflict.

I should be grateful if you could have this letter circulated as a document of the Security Council.

(*Signed*) Hassan A. HASSANOV
Permanent Representative
of Azerbaijan to the United Nations

TEXT OF THE STATEMENT

[*Original: Russian*]

The Armenian-Azerbaijani conflict, which has been raging for more than five years now, is doing irreparable damage to both States. Azerbaijan continues to place particular hopes of ending the senseless bloodshed on the peacemaking efforts of the Conference on Security and Cooperation in Europe (CSCE). Throughout this process, the Azerbaijani Republic has demonstrated an open position and a readiness for sensible compromises.

In this connection, the Ministry of Foreign Affairs of the Azerbaijani Republic considers it necessary to draw attention once again to the fact that on the eve of and during the peace talks the Republic of Armenia staged repeated offensive actions, seizing further Azerbaijani territory. On the eve of the extraordinary preliminary meeting of the Minsk Group, an Armenian expeditionary force seized some 20 villages in the territory of the Azerbaijani Republic.

The aggressive actions of the Republic of Armenia are incompatible with the norms of international law and with the principles of the United Nations and CSCE and cast doubts yet again on the sincerity of the Armenian Republic, which has stated officially that it is committed to a peaceful settlement of the Armenian-Azerbaijani conflict.

Despite the tremendous obstacles to the continuation and development of the peace talks, CSCE has shown persistence in undertaking peace initiatives. One practical result of this is the agreement reached at Rome, at the above-mentioned extraordinary preliminary meeting of the Minsk Group, on a draft mandate for the group of CSCE observers.

In the course of the Rome meeting, the Russian-United States and French-Russian statements on Nagorny Karabakh were distributed. Both statements affirm the determination and readiness of the United States, Russia and France to continue their efforts, within the framework of the CSCE Minsk Group, to secure a political compromise and a peaceful settlement of the conflict.

The Ministry of Foreign Affairs of the Azerbaijani Republic values the position of those States highly and has faith in the prospect of peaceful efforts by CSCE.

As before, the Azerbaijani Republic advocates a peaceful settlement of the Armenian-Azerbaijani conflict and calls on the Republic of Armenia to demonstrate, by its actions, its adherence to the principles of the United Nations and CSCE and its aspiration to put into effect the agreements reached within the framework of CSCE.

DOCUMENT S/25419[*]

Letter dated 16 March 1993 from the representative of Mexico to the Secretary-General

[*Original: Spanish*]
[*17 March 1993*]

I have the honour to transmit to you herewith the text of the statement issued today by the Government of Mexico concerning the decision by the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.[10]

I should be grateful if you would have the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Manuel TELLO
Permanent Representative of
Mexico to the United Nations

TEXT OF THE STATEMENT

The Government of Mexico regrets the statement by the Government of the Democratic People's Republic of Korea announcing its decision to denounce the Treaty on the Non-Proliferation of Nuclear Weapons and expresses its concern at the effects which the withdrawal of that country may have on the credibility of the system of non-proliferation of nuclear weapons.

Mexico has always worked for disarmament, non-proliferation and the complete elimination of weapons of mass destruction. The denunciation of the Treaty by a State party is a setback, given the great progress made in this sphere.

The step taken by the Democratic People's Republic of Korea is also cause for concern because it comes at a time when there are serious doubts within the International Atomic Energy Agency as to that country's compliance with its obligations under the Treaty.

The Government of Mexico expresses the hope that the Government of the Democratic People's Republic of Korea will reconsider its decision, thereby demonstrating its good faith with regard to the purposes and principles which prompted the international community to put the nuclear non-proliferation regime into effect in 1968.

DOCUMENT S/25422

Letter dated 17 March 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

[*Original: English*]
[*17 March 1993*]

I have the honour to transmit to you a memorandum of 15 March 1993 issued by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea.

I should be grateful if you would have this letter and the memorandum circulated as a document of the Security Council.

(*Signed*) PAK Gil Yon
Permanent Representative
of the Democratic People's Republic
of Korea to the United Nations

TEXT OF THE MEMORANDUM

(On the truth of the nuclear inspections by the International Atomic Energy Agency in the DPRK)

Proceeding from its anti-nuclear peace policy, the Democratic People's Republic of Korea acceded to the Treaty on the Non-Proliferation of Nuclear Weapons[10] with a view to getting the nuclear weapons of the United States withdrawn from south Korea, removing its nuclear threats against the DPRK and, furthermore, turning the Korean peninsula into a nuclear-weapon-free zone. It concluded the safeguards agreement with the International Atomic Energy Agency (IAEA) and has since accepted sincerely IAEA inspections.

This process has substantiated the integrity of the peaceful nuclear policy of the DPRK Government and further increased international trust in the DPRK.

However, the United States, picking on the alleged "suspicion of nuclear weapons development" by the DPRK, has resumed, together with the south Korean authorities, the "Team Spirit" joint military exercises, a nuclear test war against the DPRK, which is a non-nuclear-weapon State, in violation of the obligations under the Treaty it ought to strictly fulfil as a nuclear-weapon State. Coincidentally, it has manipulated some officials of the IAEA secretariat and certain member States to adopt an unjust "resolution" at the February meeting of the IAEA Board of Governors, forcibly calling for inspection of our military sites that have no relevance at all to nuclear activities.

The prevailing situation prevented the DPRK Government from fulfilling its obligations under the safeguards agreement any longer.

In this connection, considering it necessary to reveal the truth of the IAEA inspections in the DPRK, the Ministry of Foreign Affairs of the DPRK issues this memorandum.

I. *The sincere efforts of the DPRK Government to implement the safeguards agreement*

The DPRK and IAEA signed the safeguards agreement on 30 January 1992 and it went into force on 10 April 1992. In accordance with articles 42 and 62 of the safeguards agreement, the DPRK provided IAEA with its initial report on the nuclear material subject to the safeguards and design information in respect of its nuclear facilities on 4 May 1992, far ahead of the prescribed time limits.

With a view to bringing into the open all our nuclear activities, the DPRK even provided IAEA with lists of those nuclear facilities exempt from the safeguards and of scientific research institutes. In order to enable IAEA to adequately acquaint itself with the overall picture of the DPRK's nuclear activities and their peaceful nature, we invited the IAEA delegation, led by its Director General, in May 1992, to the DPRK. We showed our sincerity by allowing the delegation access not only to the nuclear facilities subject to the safeguards but also to those facilities exempt from the safeguards as well as other non-nuclear-related facilities.

We showed the IAEA Director General and his entourage not only nuclear facilities still under construction but also underground structures.

IAEA has conducted six rounds of ad hoc inspections in the DPRK up to early February 1993 from 4 May 1992 when the DPRK provided IAEA with its initial report and other relevant documents. In this period, the IAEA inspectors examined the design information in respect of each facility, conducted their planned work such as sampling, measurement and examination of the operating records, needed for the verification of the initial report, and sealed the necessary points and installed their monitoring devices there.

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[*] Circulated under the double symbol A/48/115-S/25419.

Our facility operators provided the inspectors with maximum convenience and active cooperation so that the inspectors could fulfil their duty smoothly.

When the inspectors asked for sampling of the high radioactive liquid waste at the Radiochemical Laboratory, our facility operators risked physical exposure to an excessive radiation dose considerably surpassing the permitted limit, to do the job. And when the IAEA inspectors requested arrangements for the measurement of the damaged fuel at the experimental nuclear power station, the facility operators complied with their request and made necessary arrangements for the work through the complicated process, though this was against safety and operational rules.

Our nuclear activities are fully reflected in the initial report submitted by the DPRK to IAEA. But, we supplied in time additional information, which the inspectors requested for their alleged need to verify the initial report. The DPRK's unreserved assistance has enabled the IAEA inspectors to fulfil their duties as planned without any inconvenience. The IAEA inspectors repeatedly thanked us for our sincere cooperation, which was explicitly mentioned in the reports submitted by the Director General at the meetings of the IAEA Board of Governors.

II. *The unjust assertions of some officials of the IAEA secretariat*

Some officials of the IAEA secretariat unreasonably insisted that there existed "inconsistencies in principle" between the DPRK's initial report and the result of the IAEA's measurement. There are none of the "inconsistencies in principle" they claimed.

Discrepancies between the DPRK's information and the result of the IAEA's measurement are not the alleged "inconsistencies". The discrepancies have originated from the IAEA's own disregard of our conditions for the operation of facilities and the characteristic features of our nuclear activities and also from the artificial fabrication by some officials of the IAEA secretariat of the result of the inspections.

The characteristic features of our nuclear activities are that we have maintained the principle of self-reliance in nuclear energy development, proceeding from the DPRK's subjective and objective conditions and that we have submitted to the IAEA inspections our nuclear facilities which were still at the experimental stage, not in regular operation, in the view of the inspectors. Some officials of the IAEA secretariat should, as a matter of course, have taken into consideration these characteristic features of the DPRK's nuclear activities in analysing the result of the inspections.

However, they lacked the right standpoint and attitude to clarify any point at issue and, therefore, deliberately made the matter complicated, raising a hasty fuss even before seeking any consultation with the operators.

It is the operators who know best the specific conditions of the facilities. It is, therefore, indispensable for the inspectors to consult the operators. But the inspectors, being obsessed with "suspicion", began putting pressure on us, instead of trying to clarify and solve problems.

The fourth ad hoc inspection team, which visited the DPRK from 2 to 14 November 1992, asked for official talks in Pyongyang before going to the sites. At the talks, they attempted to "threaten" us, saying that "more nuclear material should be declared", that this would be "the last chance to modify the initial report" and that "a tragic consequence would follow if the chances were passed up".

Our facility operators explained the specific operating conditions of the facilities scientifically and technologically and advised them how to correctly interpret the results. The inspection teams further acquainted themselves with the conditions at the facility locations and held detailed consultations with the operators and admitted that most of their views could be attributed to reaching hasty conclusions. Before their departure at the end of the inspection, they said that they had "heard a lot of detailed explanation and obtained useful information".

The sixth ad hoc inspection team which visited the DPRK from 26 January to 6 February 1993 put pressure on us, claiming that they found "two inconsistencies in principle", which were so serious as to require urgent clarification.

The first "inconsistency in principle", according to some officials of the IAEA secretariat, is that the composition and quantity of plutonium the DPRK declared to IAEA do not correspond to what was calculated by IAEA.

Our facility specialists input into computers the source data that reflected reality and obtained the correct result by calculation. This result corresponded to the composition and quantity of plutonium extracted from the melting fuel rods. This fact is beyond dispute. But the inspection team produced results remarkably different from our calculation output.

The inspection team failed to specifically explain the process of its calculation but only insisted on its calculated figure, saying that "the IAEA calculation team applied to the calculation the internationally accepted calculation programme for a reactor on the basis of the appropriate source data". Our facility operators re-examined our calculation, as it had been raised since the fourth ad hoc inspection, and verified why the IAEA calculation was different from ours.

The inspectors failed to answer our questions: "What is wrong in our calculation?" and, "What is insufficient in our explanation?." At the conclusion of the technical discussion, they said that they had learned a lot this time, had excerpted useful data from the operating records, would re-examine them at the IAEA headquarters and would resume discussion.

The DPRK side handed over its calculation data as a document to the inspection team. However, the IAEA Director General proposed a "special inspection" to the DPRK on 9 February, even before the sixth inspection team flew back to Vienna on 8 February for re-calculation.

The second "inconsistency in principle" raised by some officials of the IAEA secretariat is that the isotopic composition of plutonium extracted by the Radiochemical Laboratory does not correspond to that of the liquid waste.

The main point here is to correctly understand its cause. The cause was fully clarified by the DPRK scientists who explained that the difference came when the solution from the basic experiment of plutonium extraction in 1975 was put together in the waste tank of the Radiochemical Laboratory.

At the talks between the DPRK delegation and the IAEA secretariat in Vienna on 20 and 21 February this year, the DPRK side again explained the points at issue in a scientific, technological and logical way with specific facts and evidence, confuting the allegations by some officials of the IAEA secretariat that the quantity and composition of plutonium extracted through the basic experimental process at the Radiochemical Laboratory did not correspond to the result calculated by IAEA.

While they admitted their mistakes of principle in their calculation, they said, nevertheless, that they could not accept the DPRK's calculated result until it had been confirmed to be based on the data of the operating records of the facilities.

The inspectors had already examined all the relevant evidential documents, but some officials of the IAEA secretariat insisted that they had never seen such documents. We provided IAEA, in advance, with all the necessary documents, including the initial report, as required under the safeguards agreement, and showed the IAEA inspectors all the documents kept at the locations, including the operating records of the facilities during the six rounds of the ad hoc inspections.

Some officials of the IAEA secretariat blindly rejected all the facts and scientific and technological arguments. Their intention was obviously to justify their demands for "special inspection" of two military installations by correlating in a far-fetched manner the alleged "inconsistencies" with these installations under the scenario worked out beforehand by the United States.

Next, some officials of the IAEA secretariat unreasonably insisted on their demands for inspection of "two locations" in the DPRK. The "two locations" referred to by these officials are military installations which have no relevance to the nuclear activities, and therefore we were not duty-bound to show them to IAEA. The point is that, on the basis of the false intelligence information provided by a third country, some officials of the IAEA secretariat called for an inspection of the military installations, which are not nuclear-related facilities.

In this connection, we can only look back on what has happened in the past.

In September 1992, the IAEA Director General abruptly demanded that the DPRK allow the third IAEA ad hoc inspection team then staying in the DPRK access to the "two locations", irrelevant to the nuclear activities, in the form of a visit. At that time, from the consideration that this was the first request from the Director General, we did allow the inspectors, who came for the purpose of nuclear inspection, access to the sites and facilities exempt from the safeguards, although this was contrary to the spirit of the agreement reached in May 1992.

One location was a shop producing daily necessities and the other was a military installation. The inspectors, who looked around the locations in their capacity as IAEA official personnel, searched every nook and corner of each room with their inspection instruments, like a policeman searching the house of a suspected criminal, not like a guest who came at the invitation of the host.

After seeing the military installation, the inspectors were again allowed access, at their request, to the installation because they "asked to see again the inside of the building so that other people of IAEA would not need to come and see it again".

After looking around the two sites, they admitted that the sites had no relevance at all to the nuclear activities. Their visit had no correlation to the implementation of the safeguards agreement but was permitted only thanks to the DPRK's good will.

However, some officials of the IAEA secretariat misused the visit to confirm the espionage information provided by a third country. Therefore, in a letter addressed to the IAEA Director General, we pointed out clearly that such a groundless visit or inspection requested by iaea would no longer be permitted; it was the first but last chance. But, on 22 December 1992, the IAEA Director General again asked for the DPRK's permission to "visit", drill and take samples at the previously visited military installation and at another military installation. He also proposed to handle it quietly, saying that an informal delegation would visit the DPRK for that purpose.

We believe that there is no need to classify the visits as formal and informal visits. Those locations to be shown in the course of the implementation of the safeguards agreement will be shown as a matter of course, but those locations which we are neither duty-bound nor need to show will not be shown even informally. This is related to the DPRK's sovereign rights. Therefore, we have resolutely rejected the request of the IAEA secretariat.

At the bilateral talks in Pyongyang from 20 to 22 January 1993, the negotiating mission of the IAEA secretariat cited the needs for the "visit to the two locations": "first, the locations are related to the 'inconsistencies' found in the course of the ad hoc inspections, and second, inspection should be conducted because there is 'reliable evidence' that the locations are related to the nuclear material."

The DPRK side explained that there existed no such "inconsistencies" allegedly found in the course of the ad hoc inspections, that the "inconsistencies" would be clarified through further ad hoc inspections, that there were no grounds to assert that the "two locations" were related to the "inconsistencies" raised by the negotiating mission and that the "two locations" were military installations which had no relevance to our nuclear activities. This refuted the arguments about the "importance" and "urgency" of the proposed visit on which the IAEA secretariat impatiently insisted. The DPRK side also demanded that the IAEA negotiating mission identify the source of the "reliable evidence" with which they alleged that the locations were related to the nuclear activities.

The IAEA negotiating mission did not hesitate to reveal that it was using intelligence information provided by a third country, adding that "if the country in question is identified, it would cause relations to deteriorate between that country and the DPRK".

When the DPRK side asked for clarification of the legal grounds for the use of information provided by a third country, the IAEA mission avoided answering the DPRK's question, saying that "it takes too much time to explain it on a legal basis".

The DPRK side refuted the IAEA negotiating mission's assertions by citing relevant articles to prove that iaea is not legally entitled to use "intelligence information" from a third country in the implementation of the safeguards agreement, that iaea is not the police and that such an attempt by iaea is a breach of its own statute, the safeguards agreement, the spirit of the December 1991 meeting and the February 1992 resolution of the IAEA Board of Governors, etc.

A member of the IAEA negotiating mission, who spoke about his long career in international law, was tongue-tied by the DPRK side's refutation when he tried to "coerce" the DPRK side. Finally, he admitted that "the use of espionage information from a third country is not stipulated explicitly in the basic documents of iaea".

The DPRK side made it clear that the IAEA secretariat's assertions were unreasonable from the legal point of view, and strongly urged iaea not to get implicated in the false intelligence information provided by a country hostile to the DPRK, but return to its original standpoint as an impartial international organization, taking into account the political and military situation prevailing on the Korean peninsula.

III. *The behind-the-scenes manipulation by the United States of some officials of the IAEA secretariat*

The IAEA inspections in the DPRK have so far been conducted through the manipulation of the United States, not in accordance with the IAEA's statute or the safeguards agreement.

Iaea is obligated to protect secrets coming to its knowledge in the course of the inspections under the safeguards agreement, but it has communicated the results of its inspections in the DPRK to the United States and south Korea.

The United States daily, *The Herald Tribune*, dated 5 May 1992, reported that "according to an IAEA spokesman, North Korea provided iaea with a list of nuclear facilities as thick as a small telephone directory on May 4. The three previously undisclosed nuclear reactors were listed in the report".

South Korea's Munhwa Broadcasting Corporation (MBC) reported on 8 November 1992 that iaea was known to be planning to send a high-level delegation to Pyongyang immediately after the fourth ad hoc inspection. At that time, only a few officials of the IAEA secretariat knew about this, and we received this information from iaea by telex on 16 November, eight days after the south Korean MBC report.

South Korea's MBC also reported on 13 November 1992 that "the United States Administration has obtained the results of the nuclear inspections in North Korea from IAEA and is now in the process of a close analysis of the data".

Some officials of the IAEA secretariat continued to demand that the DPRK disclose the list of nuclear materials and the list of its nuclear facilities submitted to iaea, and, on the other hand, unilaterally revealed the issues related to the inspections without any prior agreement with the DPRK.

On 6 May 1992, a high-ranking official of iaea told the DPRK representative in Vienna that "in accordance with its statute, iaea cannot disclose to third parties the contents of the DPRK's initial report. In my view, the DPRK may just as well inform them of the contents of its initial report as much as it thinks fit, in order to bring about earlier the improvement of the DPRK's relations with the United States and Japan".

On 10 June 1992, a high-ranking official of iaea called an informal meeting of the members of the IAEA Board of Governors and briefed them on his visit to the DPRK and on the course of the first ad hoc inspection and disclosed the details of the capability of the DPRK's nuclear facilities.

The United States cooked up delusive information with regard to the DPRK's nuclear activities and dished it out to Japan and other countries as well as the IAEA secretariat.

The Japanese *Jiji* News Service falsely reported on 16 November 1990 that "according to the United States satellite photos obtained by the Japanese Government, there exist such nuclear facilities as a Soviet-made research reactor, a small nuclear reactor, an enriched uranium plant, a fuel reprocessing plant and a nuclear explosion test ground".

The United States has systematically interfered in the IAEA inspections in the DPRK and instigated some officials of the IAEA secretariat to enforce "special inspection" in the DPRK.

The Central Intelligence Agency in its report submitted last year to the National Security Council at the White House said that "the United States must include its trustworthy persons in the 'special inspection' group". Under this directive of the United States, some officials of the IAEA secretariat attempted to designate inspectors whose countries have no diplomatic relations with the DPRK, even after they had been notified of the DPRK's position that it would not accept such officials of iaea as members of the inspection team.

In its recent report to the National Security Council at the White House the United States Central Intelligence Agency wrote that "for the present, the United States must induce North Korea to accept the 'special inspection', and the shaping of North Korea policy should be subject to the outcome of the nuclear inspection".

The United States invited the IAEA Director General to take part in a "joint House hearing" on 22 July 1992 and debriefed him on the DPRK's nuclear programme, while forcing him to conduct "special inspection" and "surprise inspection" in the DPRK.

The DPRK has so far accepted the nuclear inspections sincerely and clarified the alleged "inconsistencies" on a scientific and technological basis. Nevertheless, the United States has manipulated some officials of the IAEA secretariat and certain member States to adopt at the 25 February meeting of the IAEA Board of Governors an unjust "resolution" forcibly calling for an inspection of the DPRK's military installations, which have no relevance to the nuclear activities.

IV. *The DPRK's position with regard to the unjust "resolution" of the IAEA Board of Governors*

The above-cited facts demonstrate that nothing whatsoever can help to justify the "resolution" authored by some officials of the IAEA secretariat and certain member States adhering to the United States, either from the viewpoint of international law or from the scientific and technological viewpoint.

The DPRK Government sharply denounces and resolutely rejects the fabrication of the unjust "resolution" against the DPRK by some officials of the IAEA secretariat and certain member States as a wanton violation of the sovereignty of the DPRK and as a robber's act to disarm the DPRK.

Some officials of the IAEA secretariat and certain member States have sided with the United States and the south Korean authorities in their conspiratorial machinations aimed at outraging the sovereignty and security of our country, and thus they have committed a grave crime against our people. This act has only divested iaea of its authority and trust, beyond retrieval, as an organization committed to the principle of impartiality.

We cannot look on unconcernedly, when the United States and south Korean authorities have resumed the once-suspended "Team Spirit" joint military exercises and are pertinaciously pursuing their machinations against our country in collusion with some officials of the IAEA secretariat.

It is because of these acts that the DPRK has entered the quasi-war state to safeguard its sovereignty and security and has adopted the decision to withdraw from the Treaty to defend its supreme interests. This is a self-defensive measure, to defend our nation's dignity and its right to survival, and a just measure to safeguard the common interests of the non-nuclear-weapon States.

Neither pressure nor strong-arm acts whatsoever will ever go down with us.

The United States must drop its old way of thinking of the cold war era and immediately desist from its imprudent machinations of manipulating iaea to force our military installations to open and to strangle our socialist system.

Some officials of the IAEA secretariat and certain member States must apologize for the crimes they have committed against the Korean people and should refrain from conducting themselves under the pressure and directives of a particular country.

The Government of the Democratic People's Republic of Korea expresses its hope that the member States of iaea and the world's peace-loving peoples will impartially assess, on the basis of the IAEA's statute and the safeguards agreement, the issues that have arisen between the DPRK and iaea in the course of the implementation of the safeguards agreement, and oppose and reject the unjust acts on the part of the United States and some officials of the IAEA secretariat.

DOCUMENT S/25423

Letter dated 15 March 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*17 March 1993*]

I am writing to you concerning the presidential statement of 3 March 1993 [*S/25361*] behalf of the Security Council and the letter of the United Nations High Commissioner for Refugees, addressed to the Secretary-General of 2 March 1993, that was distributed to the members of the Council.

In the course of consideration of the situation in eastern Bosnia, particularly in the town of Cerska, the widely known fact that the Muslim forces have been on the offensive for the past two months, has been completely disregarded. On the other hand, the Serbs and Serbian forces have again been unjustly condemned on the basis of unconfirmed and unsubstantiated reports and accounts of massacres, killings of innocent civilians and atrocities.

The statement of General P. Morillon, UNPROFOR Commander in Bosnia and Herzegovina of 7 March 1993, after his visit to Cerska, that he saw no evidence of the massacres or gross human rights violations, once again testifies to the inadmissibility of passing judgements solely on the basis of arbitrary accounts and unconfirmed media reports. Such practice jeopardizes the very principles and goals for the attainment of peace and protection of human rights.

We strongly feel that the Security Council should only take facts as a basis of an objective and impartial evaluation of the events in the territory of the former Yugoslavia.

Nevertheless, the Federal Republic of Yugoslavia will, within its possibilities, continue to make constant contributions to efforts with a view to achieving a political solution based on the agreement of, and the respect for the interests of, all three peoples in Bosnia and Herzegovina.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Charge d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

DOCUMENT S/25424

Letter dated 16 March 1993 from the representative of Azerbaijan to the President of the Security Council

[*Original: Russian*]
[*17 March 1993*]

I have the honour to inform you that, according to information published by the Press Service of the President of the Azerbaijani Republic and the newspapers *Bakinsky Rabochy* and *Vyshka* and to Azerbaijani television and radio reports, an Armenian expeditionary force operating in the territory of Azerbaijan is preparing to expand its military operations.

In May 1992, Armenian military formations, violating the State frontier of the Azerbaijani Republic, occupied the towns of Lachin and Shusha. Through this territory, annexed from Azerbaijan and referred to as the "Lachin corridor", military equipment and supplies and military formations that have completed their training in Armenia and in foreign bases are being channelled systematically to Upper Karabakh.

Lately, particularly at a time when CSCE [*Conference on Security and Cooperation in Europe*] is putting its peace policy into practice and when the convening of the Minsk Conference is becoming a reality, Armenia's ruling circles have been attempting to expand their aggression. The secret arrival of the Armenian Minister of Defence in the Agder district of Azerbaijan on 10 March and his action in checking that the Armenian military formations there are ready for battle are events unprecedented in the history of contemporary inter-State relations and once again confirm that the Armenian leadership is disregarding international legal norms and does not want to reckon with the international organizations that safeguard those norms. The visit by the Armenian Minister of Defence completely exposes the false assertions by the Armenian leadership that there is not one Armenian soldier in the territory of Azerbaijan.

The visit by the Armenian Minister of Defence to the Agder district of the Azerbaijani Republic bears witness to the new military operations being prepared by formations of the occupying army. This situation is also confirmed by reports in the mass media.

Armenia's conduct of extensive military operations each time important talks are about to take place, the intention being to cause a breakdown in those talks, has become systematic. The Azerbaijani Republic draws the actions of the leadership of the Republic of Armenia to the attention of States and international organizations that are making efforts to establish peace in the region, once again affirms its readiness to continue the talks in accordance with the decisions of the Rome meeting, and calls on the international community to take all possible measures so that Armenia's actions do not cause a breakdown in the negotiating process.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Hassan A. HASSANOV
Permanent Representative
of Azerbaijan to the United Nations

DOCUMENT S/25425

Letter dated 17 March 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*17 March 1993*]

I have the honour to transmit herewith, the information of the Government of the Federal Republic of Yugoslavia on a number of violations of the arms embargo by Croatia in defiance of Security Council resolution 713 (1991).

I should be grateful if this letter would be considered by the Security Council Committee established pursuant to Council resolution 724 (1991) concerning Yugoslavia and circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

ANNEX

The Government of the Federal Republic of Yugoslavia has in the past informed the Security Council of a number of violations of the arms embargo by Croatia in defiance of Security Council resolution 713 (1991).

On this occasion, the Government of the Federal Republic of Yugoslavia would like to advance certain information that reveals Croatia's involvement and role in illegal operations, at the international level, in smuggling militarily useful nuclear substances and technologies as well as various advanced weapons systems. In the past two years, Croatia has emerged as a major link in the international network for smuggling nuclear substances from Eastern Europe to the Middle East and Africa. Its primary role is to provide safe storage and false documentation to facilitate the illegal shipment of the nuclear materials.

1. At the end of 1991, an international network for smuggling nuclear weapons technology and materials from Eastern Europe to certain Arab countries was put in operation. Among the principal organizers in the network were Rita Draxler, a German and a certain Marjan Sokolovic. They were also major arms suppliers to Croatia and Slovenia. They brokered a deal of US$ 60 million for Stinger and Milan missiles from Germany to Croatia and a number of arms deals with Poland for approximately 50 tons of weapons for Croatia.

As a form of payment, Croatia was to assist in the smuggling of nuclear materials (uranium and plutonium). Croatia's role in this operation was to provide temporary safe storage and false documentation to facilitate further shipment. Marjan Sokolovic arranged safe storage and inspection facilities in Sibenik, Croatia. From there, the nuclear components and substances were driven on trucks to destinations in the Middle East.

In October 1991, Italian police in Como blocked the sale of certain nuclear materials, arranged through this network. However, the network still managed to ship the plutonium and a large payload of uranium to Sibenik, Croatia.

Marjan Sokolovic, whose role was revealed during the raid in Como, was arrested in November 1991 in Vienna, on his way to Croatia. When caught he was carrying 2.8 kilograms of plutonium. Nevertheless, he was released in early February 1992 and is back again in business.

Late in December 1991, the Italian police discovered yet another major shipment of 32 kilograms of plutonium in bars, brokered by Rita Draxler. This shipment was to be transported from the Ukraine via Austria and Italy to safe storage in Sibenik before being handed over to an Arab client. Italian police intercepted the shipment on 4 January 1992. Rita Draxler escaped to Germany before she could be captured.

There is reliable information that this network not only continued but expanded its activities during 1992. This was facilitated primarily through services provided by Croatia and the convenience of safe storage in Sibenik.

2. At the beginning of 1991, Anton Kikas, a Croatian with a Canadian passport, started an operation for the illegal purchase and supply of arms to Croatia. He brokered a deal between Croatia and German arms dealers for smuggling operations in conventional weapons and nuclear-related materials. Under the terms of this deal, Croatia provided temporary safe storage on its territory and false documents for highly sensitive shipments from Eastern Europe to Africa in return for the supply of arms and ammunition.

Anton Kikas established a charter aircraft company registered as Uganda Airlines Corporation (UAC) for the delivery of weapons to Croatia. During 1991, UAC undertook a number of weapons-carrying flights between South Africa and Croatia via Ethiopia, as well as from Sofia to Zagreb carrying highly specialized cargoes, and subsequently also to and from other cities in Eastern Europe.

On 30 August 1991, the Yugoslav Air Force intercepted a UAC Boeing 707 (registration No. 5X-UCM) *en route* to Zagreb. The aircraft was carrying sizeable quantities of weapons and ammunition produced in South Africa.

As payment for the weapons, South Africa was to receive sophisticated military technology and other sensitive systems, in particular nuclear technology, advanced aerospace technology, electronics and new materials from German-based dealers. The Institute "Rudjer Boskovic" in Zagreb was in charge of the nuclear part of the deal. Hrvoje Sarinic, a close aide of President Tudjman and presently Prime Minister of Croatia, was overseeing cooperation and exchanges with South Africa.

In December 1991, German police in Regensburg seized a part of the shipment arranged by A. Kikas *en route* to Croatia, which included arms and ammunition produced in Poland. However, this smuggling ring was back in operation as early as January 1992.

3. In June 1992, Austrian police in Vienna seized a suitcase filled with various radioactive samples and arrested six persons involved in this operation. The shipment was on its way to Croatia from where it was intended to be transshipped to the ultimate purchaser in the Middle East.

4. The Republic of Croatia has recently published a study entitled "Site Selection of Radioactive Waste Repository in the Republic of Croatia", which is to be evaluated at the international symposium in Tucson, United States of America.

Nuclear waste is to be stored on locations in Western Slavonia, Banija and Kordun. All those sites are located in areas populated predominantly by Serbian local population which will be most directly endangered. Since these locations are in the Sava, Drava and Danube river basins, nuclear waste would also adversely affect the Federal Republic of Yugoslavia and Hungary, as well as Romania and Bulgaria.

The underlying objective of this undertaking is to disguise the role of Croatia in providing clandestine safe storage on its territory for smuggled nuclear substances.

All this information undoubtedly demonstrates that there are a few international networks for the smuggling of nuclear substances and arms through Croatia. As a form of payment for its services, Croatia is being supplied with arms and ammunition both from those international networks operating in Europe and in the Middle East. As of 1992, these operations have expanded and included also certain chemical and biological weapons.

Many banks and companies are involved in these deals. Money from illegal arms trade is deposited in Croatia's accounts in the Deutsche Bank and Dresdner Bank A.G. in Germany and the Erste Österreichische Sparkasse Bank in Austria.

The main front companies in Austria and Germany that are purchasing weapons for Croatia are: "Rita Draxler", Industry Enterprise, Meiz, Waggengrosshandel, Gebruder Scholler g.m.BG, DKS, Atlantic, Hirtenberg, Scorpion International Services S.A., Xandil International LTD Consulting, Electric Dalland, Weba, Faba, Foga, Franconia-JAGD.

There are also Zagreb-based front companies involved in the illegal arms trade, such as: Astra Import-Export Co., managed by Mr. Franjo Greguric, former Prime Minister of Croatia, Promedei, Como and Ribomaterijal.

The Government of Yugoslavia considers that this matter merits a thorough consideration and effective action by the Security Council and other relevant international organizations. The involvement of Croatia in illegal arms trade and trafficking of nuclear substances and technologies not only violates Security Council resolution 713 (1991), but poses a direct threat to international peace and security. In the light of all the information that indicates that the operations are continuing and expanding unimpeded, urgent action is more than necessary.

DOCUMENT S/25428*

Letter dated 16 March 1993 from the representative of Senegal to the Secretary-General

[*Original: French*]
[*18 March 1993*]

I have the honour to transmit to you herewith the text of a statement made on 10 March 1993 by Mr. Abdou Diouf, President of the Republic of Senegal and current Chairman of the Organization of the Islamic Conference, concerning the situation in Palestine.

I should be grateful if you would have the text of this letter and the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Kéba Birane CISSE
Permanent Representative of
Senegal to the United Nations

TEXT OF THE STATEMENT

The situation in Palestine and the Middle East continues to deteriorate dangerously because of the persistent refusal of the Israeli authorities to allow the immediate return of the Palestinians deported by the Israeli Government from the Gaza Strip - an occupied Palestinian territory - almost three months ago to a part of Lebanese territory that is also occupied.

This unacceptable act jeopardizes Arab-Israeli negotiations and has serious implications for international peace and security.

By its collective deportation, which even it has called exceptional, the Israeli Government has contravened its own domestic law, which particularizes crimes and their punishment, violated international norms and conventions, in particular the fourth Geneva Convention of 1949,[1] and undermined the sovereignty and territorial integrity of Lebanon.

This action by the Israeli Government was openly condemned by the Security Council, whose 15 members unanimously adopted, on 18 December 1992, resolution 799 (1992), which "demands that Israel ... ensure the safe and immediate return to the occupied territories of all those deported". Instead of complying, the Israeli Government publicly announced its categorical rejection of this injunction by the principal body responsible for the maintenance of international peace and security.

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*Circulated under the double symbol A/48/117-S/25428.

In the light of the unjust and unjustified prolongation of the suffering of the Palestinian deportees and the deterioration of the political situation in the occupied territories and in the Middle East, I have contacted, in my capacity as current Chairman of the Organization of the Islamic Conference, the Heads of State and Government of the countries members of the Security Council, the current President of the European Community and the Secretary-General of the United Nations in order to stress the urgent need to find a legal solution to this question, in keeping with the relevant Security Council resolutions.

Abdou DIOUF

DOCUMENT S/25430

Letter dated 17 March 1993 from the representative of Denmark to the Secretary-General

[*Original: English*]
[*18 March 1993*]

I have the honour to transmit herewith the text of a statement issued on 17 March 1993 by the European Community and its member States concerning the decision by the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.[10]

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

(*Signed*) Bent HAAKONSEN
Permanent Representative of
Denmark to the United Nations

TEXT OF THE STATEMENT

The European Community and its member States express great concern at the decision by the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, of which notification was given to the Security Council on 12 March 1993.

The European Community and its member States consider nuclear proliferation to be a major threat to global security and stability, and they believe that the universal accession to the Treaty and the full compliance with its obligations are the best ways to guarantee nuclear non-proliferation.

From a global perspective, the safeguards inspections carried out by iaea [*International Atomic Energy Agency*] under the Treaty are of crucial importance for the efficient functioning of the Treaty and therefore need to be as effective as possible. The Treaty has recently made considerable progress in universality and efficiency. Withdrawal from the Treaty by the Democratic People's Republic of Korea and its refusal to have its entire nuclear programme inspected by iaea can therefore only have a detrimental effect on the non-proliferation regime as a whole.

The European Community and its member States therefore strongly urge the Democratic People's Republic of Korea to reverse its decision and to fulfil all its obligations under the Treaty and the safeguards agreement. Furthermore, it has to be noted that these obligations remain in force for three months after an official notification of withdrawal.

DOCUMENT S/25432

Letter dated 16 March 1993 from the representative of Senegal to the Secretary-General

[*Original: French*]
[*18 March 1993*]

I have the honour to transmit to you herewith the text of the statement made on Tuesday, 10 March 1993, by Mr. Abdou Diouf, President of the Republic of Senegal and current Chairman of the Organization of the Islamic Conference, concerning the situation in Afghanistan.

I should be grateful if you would have this letter and the statement circulated as a document of the Security Council.

(*Signed*) Kéba Birane CISSE
Permanent Representative of
Senegal to the United Nations

TEXT OF THE STATEMENT

President Abdou Diouf, Chairman of the Organization of the Islamic Conference, has welcomed with satisfaction the peace accord signed on 7 March 1993 at Islamabad between the different Afghan leaders [*see S/25398*] and has expressed the hope that national reconciliation will come about at once in Afghanistan, which is an active member of the Organization of the Islamic Conference.

The current Chairman of the Organization of the Islamic Conference has, in the same spirit, expressed the hope that the cease-fire provided for in the 7 March accord will be respected by the warring parties, so that the Afghan people can set out resolutely on the road to unity and national reconstruction.

The Organization of the Islamic Conference, which is a member of the cease-fire monitoring committee, will do its utmost to contribute to the prompt and effective implementation of the Islamabad accord of 7 March.

DOCUMENT S/25433

Letter dated 16 March 1993 from the representative of Senegal to the Secretary-General

[*Original: French*]
[*18 March 1993*]

I have the honour to transmit to you herewith the text of a statement made on Tuesday, 10 March 1993, by Mr. Abdou Diouf, President of the Republic of Senegal and current Chairman of the Organization of the Islamic Conference, on the situation in Bosnia and Herzegovina.

I should be grateful if you would have this letter and the statement circulated as a document of the Security Council.

(*Signed*) Kéba Birane CISSE
Permanent Representative of
Senegal to the United Nations

TEXT OF THE STATEMENT

The international community, in general, and the Organization of the Islamic Conference, in particular, have never ceased, from the outset, to condemn vigorously the Serbian aggression against the independent

Republic of Bosnia and Herzegovina and the unacceptable "ethnic cleansing" perpetrated against the population of Bosnia and Herzegovina, mainly against the Muslim segment.

The Organization of the Islamic Conference, which spearheads the world campaign for the cessation of such war crimes and crimes against humanity, has devoted three extraordinary sessions of its deliberative bodies to the question of Bosnia and Herzegovina: two of the Islamic Conference of Ministers for Foreign Affairs, in June 1992 at Istanbul and in December 1992 at Jeddah, and one of the Bureau of the Sixth Islamic Summit Enlarged to the Chairmen of the Standing Committees on 11 January 1993 at Dakar.

Acting strictly on the basis of the international rule of law, it has been able to exert pressure and a determining influence on the decision-making process and on international action relating to the tragedy of the people of Bosnia and Herzegovina, both in the process at the London conference on the former Yugoslavia and within the Security Council.

The Secretary-General of the Organization of the Islamic Conference and the ad hoc Contact Group established by that Organization at United Nations Headquarters have been the effective instruments of this diplomatic action, one recent result of which was the decision by the Security Council to establish an international tribunal for the prosecution of the perpetrators of crimes against humanity in the former Yugoslavia, and more particularly in Bosnia and Herzegovina.

At the same time, efforts have been made in the humanitarian field, with the formulation by the Organization of the Islamic Conference and the Islamic Development Bank of a joint programme to provide humanitarian assistance to the sorely tried people of Bosnia and Herzegovina; this assistance has been pooled with other assistance provided by humanitarian organizations for distribution under the auspices of the Office of the United Nations High Commissioner for Refugees.

Unfortunately, however, the Organization of the Islamic Conference has been unable so far to persuade the Security Council to revise the embargo on arms shipments to the former Yugoslavia in order to enable Bosnia and Herzegovina, a country which is unarmed and the victim of aggression, to acquire the means of self-defence. It has, however, been able to exert maximum pressure to prevent the Serbs from imposing their unacceptable plan of carving up this battered country, a position which has also been endorsed by the current Government of the United States.

At a time when the tripartite negotiations in New York have been suspended - temporarily, it is to be hoped - and when the United States of America, in a splendid show of solidarity, is carrying out airdrops of foodstuffs and medicines over Bosnia and Herzegovina, the Organization of the Islamic Conference is intensifying consultations at all levels with a view to a thorough evaluation of the situation in the former Yugoslavia, particularly in Bosnia and Herzegovina, and the adoption of the necessary measures to guarantee the national unity, territorial integrity and reconstruction of Bosnia and Herzegovina, on the one hand, and, on the other hand, to ensure that those responsible for war crimes and crimes against humanity in the former Yugoslavia are effectively brought to justice and punished accordingly.

It is for that reason that, as the current Chairman of the Organization of the Islamic Conference, I have asked the Secretary-General of that Organization to give the highest priority to the effective contribution of its member States and to the establishment of the international tribunal envisaged by the United Nations.

I also urge the international community, in particular the United Nations, to do its utmost to ensure the adoption of a plan for a global settlement of the question of Bosnia and Herzegovina on the basis of the principles of sovereignty and territorial integrity, which prohibit any acquisition of territory by force.

Abdou DIOUF

DOCUMENT S/25435

Letter dated 17 March 1993 from the representative of Afghanistan to the Secretary-General

[*Original: English*]
[*19 March 1993*]

As you are aware, after intensive negotiations between the President of the Islamic State of Afghanistan and other Afghan leaders, a peace accord was signed on 7 March 1993.

The negotiations and consultations took place in Islamabad where the President and other Afghan leaders met at the invitation of the Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif. Prince Turki al-Faisal of Saudi Arabia and Mr. Alaedin Broujerdi, the Deputy Minister for Foreign Affairs of the Islamic Republic of Iran were also present during the negotiations.

I have the honour to enclose the text of the Afghan Peace Accord and request that this letter be circulated as a document of the Security Council.

(*Signed*) Abdul Rahim GHAFOORZAI
Chargé d'affaires a.i.
of the Permanent Mission of
Afghanistan to the United Nations

ANNEX

Afghan Peace Accord

[*For the text of the Accord, see document S/25398 above.*]

DOCUMENT S/25437

Letter dated 18 March 1993 from the representative of Turkey to the President of the Security Council

[*Original: English*]
[*19 March 1993*]

I have the honour to address you on behalf of the Contact Group of the Organization of the Islamic Conference to communicate to you our serious concern at the latest reports reaching us from Bosnia and Herzegovina.

According to these reports, there has been an intensification in the shelling of Sarajevo by Serbian irregulars, there have been further violations of Security Council resolution 781 (1992) by aircraft coming from Serbia and Montenegro and the Muslim inhabitants of Bjelina have been terrorized and forced to flee their homes while their houses of worship have been wantonly destroyed. In addition, the Serbs continue to prevent urgently needed humanitarian assistance from reaching the beleaguered inhabitants of Srebrenica.

All of these outrages have been committed in direct defiance of the Security Council and its resolutions at a critical time in the peace negotiations.

The Contact Group of the Organization of the Islamic Conference is requesting an urgent meeting of the Security Council to consider this situation and take effective measures to deal with this continuing challenge to the United Nations including, in particular, the adoption of a resolution to enforce the "no-fly zone" established under resolution 781 (1992).

(*Signed*) Mustafa AKŞIN
Permanent Representative
of Turkey to the United Nations

DOCUMENT S/25439*

Letter dated 19 March 1993 from the representative of Costa Rica to the Secretary-General

[*Original: Spanish*]
[*19 March 1993*]

I have the honour to transmit herewith the text of a statement by the Government of Costa Rica concerning the decision by the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.

I should be grateful if you would have the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) José María BORBON
Chargé d'affaires a.i.
of the Permanent Mission
of Costa Rica to the United Nations

TEXT OF THE STATEMENT

In view of the announcement by North Korea that it is withdrawing from the Treaty on the Non-Proliferation of Nuclear Weapons, a situation which would involve a threat to South Korea, particularly the impact that it would have on the credibility of all existing agreements between the two Koreas, including the basic South-North agreement (reconciliation, non-aggression and cooperation and exchange) as well as the Joint Declaration of the Denuclearization of the Korean Peninsula and all the implications which that would have or give rise to not only for the security of South Korea, but also for peace and international security;

In view of this delicate situation, the Government of Costa Rica urges North Korea to rescind immediately its announced decision to withdraw from the Non-Proliferation Treaty, permit the International Atomic Energy Agency (IAEA) to carry out inspections in accordance with the resolutions adopted by the IAEA Board of Governors on 25 February, and agree promptly to conduct the mutual South-North nuclear inspections referred to in the Joint Declaration of Denuclearization.

DOCUMENT S/25442

Letter dated 19 March 1993 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait addressed to the President of the Security Council

[*Original: English*]
[*19 March 1993*]

I have the honour to transmit herewith for the attention of the members of the Council the report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (*f*), of the guidelines [*S/22660, annex]* to facilitate full international implementation of paragraphs 24, 25 and 27 of Council resolution 687 (1991).

The report was approved by the Committee on 19 March 1993.

(*Signed*) Terence O'BRIEN
Chairman
Security Council Committee established
by resolution 661 (1990) concerning
the situation between Iraq and Kuwait

ANNEX

[*Original: Arabic/Chinese/English/*
French/Russian/Spanish]

Report of the Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

1. The present report is submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6, subparagraph (*f*) of the guidelines [*S/22660, annex*] to facilitate full international implementation of paragraphs 24, 25 and 27 of Council resolution 687 (1991) of 3 April 1991, approved by Security Council resolution 700 (1991) of 17 June 1991.

2. Under paragraph 6, subparagraph (*f*) of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Council. The present report is the seventh report submitted under the above-mentioned guidelines. The preceding reports were submitted on 13 September 1991 [*S/23036*], 10 December 1991 [*S/23279*], 12 March 1992 [*S/23708*], 10 June 1992 [*S/24083*], 8 September 1992 [*S/24545*], and 4 December 1992 [*S/24912*].

3. By paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. During the period under review no information as requested by paragraph 12 of the guidelines has been received by the Committee.

4. In accordance with paragraphs 13 and 15 of the guidelines, all States and international organizations ought to consult the Committee on the question of whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, i.e., items meant for civilian use but with potential for diversion or conversion to military use. During the period under review, no States or international organizations have consulted the Committee on these questions.

5. By paragraph 14 of the guidelines, international organizations are requested to provide the Committee with any relevant information that may come to their attention. During the period under review, no information as requested by paragraph 14 of the guidelines has been received by the Committee.

6. In a note dated 25 January 1993 [*S/25157*], the President of the Security Council published the text of the statement made to the media on behalf of the members of the Council. He had stated that the members of the Council had held informal consultations on 25 January 1993 pursuant to paragraph 21 of Council resolution 687 (1991). After hearing all the opinions expressed in the course of the consultations, the President of the Council had concluded that there was no agreement that the necessary conditions existed for a modification of the regime established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

7. Since the submission of the previous report of the Committee on 4 December 1993, no allegations of violations, particularly in connection with paragraph 24 of resolution 687 (1991), have been reported to the Committee.

8. The Committee will continue its efforts to fulfil the mandate entrusted to it. Since the last report of the Secretary-General, dated 4 December 1991 [*S/22884/Add.2*], no further replies have been received from member States pursuant to paragraph 4 of Security Council resolution 700 (1991).

DOCUMENT S/25443

Letter dated 12 March 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*19 March 1993*]

I have the honour to refer to the ban on military flights in the airspace of Bosnia and Herzegovina established pursuant to Security Council resolution 781 (1992).

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irculated under the double symbol A/48/119-S/25439.

On 21 February 1993, in a meeting with the Chief Military Observer of the United Nations Protection Force (UNPROFOR), the senior Bosnian Serb aviation officer in Banja Luka, Major-General Ninkovic, requested permission for military jet aircraft to fly at one of the airports in Banja Luka. UNPROFOR's Chief Military Observer, at that meeting, clearly pointed out that such flights would constitute violations of Security Council resolutions 781 (1992) and 786 (1992), and, therefore, could not be authorized.

On 11 March 1993, the UNPROFOR airfield monitors at the Mahovljani airfield in Banja Luka were requested to authorize technical flights for three military jet aircraft. On instruction from the Monitoring Command and Control Centre of UNPROFOR in Zagreb, the airfield monitors advised the local Serb authorities that the flights could not be approved. The local authorities responded that the flights would proceed regardless.

The same day, between 11.50 a.m. and 1.07 p.m., the airfield monitors witnessed the take-off and landing of the three military aircraft. The aircraft were also tracked by AWACS radar. The airfield monitors inspected the aircraft and did not find any evidence of armaments or ordnance.

I feel obliged to report this incident separately to the Council since the Bosnian Serbs chose to disregard the provisions of Security Council resolutions 781 (1992) and 786 (1992) although they had been advised twice that the flights concerned would constitute violations. UNPROFOR has strongly protested the incident to the Bosnian Serb authorities and demanded that these and other violations cease immediately.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25444

Letter dated 16 March 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*19 March 1993*]

I have the honour to refer to the ban on military flights in the airspace of Bosnia and Herzegovina established pursuant to Security Council resolution 781 (1992).

On 13 March 1993, at 4.15 p.m. local time, military personnel of the United Nations Protection Force in the area of Srebrenica in eastern Bosnia and Herzegovina observed one bi-plane followed by two mono-planes dropping bombs on the villages of Gladovici and Osatica, approximately five miles south-east of Srebrenica. All three planes were single engine propeller-driven aircraft.

The bi-plane dropped three bombs on Gladovici and then flew in the direction of the Drina River which delimitates the border with the Federal Republic of Yugoslavia (Serbia and Montenegro). Immediately thereafter, a single engine propeller mono-plane circled over the same village and, after dropping three bombs, left in the direction of the Federal Republic of Yugoslavia (Serbia and Montenegro). The second monoplane circled Osatica and also dropped three bombs. It also departed in the direction of the Federal Republic of Yugoslavia (Serbia and Montenegro). In all three cases the origin of the aircraft could not be ascertained.

The above flights are the first violations of Security Council resolution 781 (1992) observed by UNPROFOR which involved combat activity.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25445

Letter dated 19 March 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*23 March 1993*]

I have the honour to bring to your attention the attached communication which was conveyed to me by the Director General of the International Atomic Energy Agency.

(*Signed*) Boutros BOUTROS-GHALI

LETTER DATED 18 MARCH 1993 FROM THE DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY ADDRESSED TO THE SECRETARY-GENERAL

Please find attached the resolution adopted by the Agency Board of Governors today on the implementation of the safeguards agreement between the Democratic People's Republic of Korea and the Agency.

Attached also is my report to the Board on the matter.

(*Signed*) Hans BLIX

Enclosure I

REPORT OF THE DIRECTOR GENERAL ON THE IMPLEMENTATION OF THE RESOLUTION ADOPTED BY THE BOARD ON 25 FEBRUARY 1993 (GOV/2636) AND OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (INFCIRC/403)

Resolution adopted by the Board on 18 March 1993

The Board of Governors,

(*a*) *Recalling* its resolution of 25 February in which the Board called upon the Democratic People's Republic of Korea (DPRK) to give IAEA access to additional information and to two additional sites with a view to implementing the safeguards agreement of May 1992 (INFCIRC/403),

(*b*) *Regretting* the absence, so far, of a positive response by the DPRK,

(*c*) *Noting* the recent announcement by the DPRK regarding its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and the implications for the safeguards agreement with the Agency in the DPRK if such withdrawal were to take effect,

(*d*) *Concerned*, in particular, that this announcement comes at a time when IAEA is seeking specific clarifications regarding the correctness and completeness of the initial report on nuclear material submitted by the DPRK,

1. *Approves* the efforts of the secretariat to implement the Board's resolution as reported in document GOV/INF/683,

2. *Reaffirms* its full confidence in the Director General and the secretariat, and its support for the actions they have taken to implement the safeguards agreement with the DPRK in an impartial and objective manner,

3. *Confirms* that the INFCIRC/403 remains in force and that it is essential and urgent that the DPRK enable the Agency to take the necessary measures to resolve differences and to ensure verification of compliance with that safeguards agreement,

4. *Requests* the Director General to continue his efforts and dialogue, taking all the appropriate contacts, and to report further on the response of the DPRK to the resolution of 25 February at a meeting of the Board to be held on 31 March 1993.

Enclosure II

REPORT OF THE DIRECTOR GENERAL ON THE IMPLEMENTATION OF THE RESOLUTION ADOPTED BY THE BOARD ON 25 FEBRUARY 1993 (GOV/2636) AND OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (INFCIRC/403)

1. On 25 February 1993, the Board of Governors adopted a resolution (GOV/2636) which, *inter alia*, called upon the Government of the Democratic People's Republic of Korea urgently to extend full cooperation to IAEA to enable the Agency fully to discharge its responsibilities under the safeguards agreement concluded between the DPRK and the Agency (INFCIRC/403) and to respond positively and without delay to the Director General's request of 9 February 1993 for access to additional information and two additional sites. The Board of Governors decided that access to the additional information and sites was essential and urgent in order to resolve differences and to ensure verification of compliance with INFCIRC/403. The Director General was requested to continue dialogue with the DPRK with a view toward urgent resolution of the issues, and to report again to the Board of Governors on the matter no later than one month from the date of adoption of the resolution at a further meeting of the Board of Governors to be convened for this purpose.

2. On 26 February, the Director General forwarded the text of the resolution to the DPRK, requesting the cooperation of the DPRK in the implementation of the resolution (annex I). In particular, the Director General asked that the DPRK receive an inspection mission that would leave Vienna on 13 March and arrive in Pyongyang on 16 March. The purpose of the mission was to seek additional information required by the Agency and to secure access to the two additional sites referred to in the resolution adopted by the Board.

3. On 10 March, the DPRK informed the Director General that the Government of the DPRK reserved its consideration of the receipt of the inspection team, referring to the resumption of the joint military exercise "Team Spirit" by the United States and the Republic of Korea and the "state of semi war" ordered by the Supreme Commander of the DPRK from 9 March (annex II).

4. On the same day, the Director General replied to this communication, advising the DPRK that the "state of semi war" could not impede the implementation of the safeguards agreement (annex III). He further requested the DPRK to consider positively the receipt of the inspection team at the earliest possible date.

5. The Agency received a copy of a 12 March statement by the Government of the DPRK declaring its decision to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a measure to defend its supreme interests (annex IV). In its statement, the DPRK indicated that this stance would remain unchanged "until the United States stops its nuclear threats against the DPRK and the IAEA secretariat returns to its principle of independence and impartiality."

6. On 12 March, the Director General wrote to the DPRK taking note of the DPRK's statement and advising the DPRK that the safeguards agreement remained in force until any withdrawal took effect (annex V). He further noted that a declaration of intention to withdraw from the NPT shall not impede the implementation of the safeguards agreement.

7. On 16 March, the DPRK replied to the Director General's communication of 12 March. In its reply it was stated that because, *inter alia*, "some officials of the IAEA secretariat departed from the objectivity and impartiality and joined in a plot of a party in hostilities towards us which is trying to strangle our socialist system", the DPRK "cannot receive the Agency inspection teams" (annex VI).

8. The safeguards agreement with the DPRK provides, in article 26, that the Agreement shall remain in force as long as the DPRK is a party to the NPT. Pursuant to article X.1 of the NPT, a State Party to the Treaty has the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interests of its country. Notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council is required three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests. It is clear that the safeguards agreement with the DPRK remains in force for three months after notification under article 26.

ANNEX I

Communication dated 26 February 1993 from the Director General of the International Atomic Energy Agency addressed to the Minister for Foreign Affairs of the Democratic People's Republic of Korea

As you are aware, the Board of Governors met on 22, 23 and 25 February to consider its agenda item, "Report on the implementation of the Agreement between the Agency and the Democratic People's Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons". At the end of its deliberations, the Board adopted the attached resolution without a vote.

Operative paragraph 4 reads as follows:

> "Calls upon the Government of the Democratic People's Republic of Korea urgently to extend full co-operation to the International Atomic Energy Agency to enable the Agency fully to discharge its responsibilities under the safeguards agreement and to respond positively and without delay to the Director General's request of February 9, 1993 for access to additional information and two additional sites".

In operative paragraph 5 of the resolution, the Board:

> "Decides that access to additional information and two additional sites, referred to in paragraph 4, is essential and urgent in order to resolve differences and to ensure verification of compliance with INFCIRC/403".

Operative paragraph 6 of the resolution:

> "Requests the Director General to transmit this resolution to the Democratic People's Republic of Korea, to continue dialogue with the Democratic People's Republic of Korea with a view toward urgent resolution of the issues above, and to report again to the Board of Governors on the matter not later than one month from the date of adoption of this resolution at a further meeting of the Board of Governors to be convened for this purpose".

I am addressing this telex to you to seek your co-operation in the implementation of that resolution. In particular, I ask you to receive an inspection mission that would leave Vienna on 13 March and arrive in Pyongyang on 16 March. Its principal focus will be to seek additional information required by the Agency as part of its efforts to clarify inconsistencies noted between the DPRK's declarations and the Agency's findings. The information now being sought was discussed in Vienna on 20 and 21 February between the DPRK delegation led by Minister Choi and an Agency delegation led by me. The specifics are contained in a letter of 25 February from Mr. Schuricht, Director of Division of Operations A, Department of Safeguards to Mr. Choi Jong Sun, Director of External Relations, Ministry of Atomic Energy. In order to help prepare for the mission, it would be helpful if, to the extent possible, the requested information could be provided by facsimile to the Agency in advance.

The inspection mission will also be authorized to visit the two sites identified in my telex of 9 February to Minister Choi, namely:

(*a*) The site which Agency officials visited on 14 September 1992 and which is located east of the Radiochemical Laboratory.

(*b*) The site described in my letter of 15 January to Minister Choi.

I would appreciate an early response to this cable. I very much hope that continuing dialogue between the Agency and the DPRK authorities and full co-operation between the DPRK will lead to full and prompt implementation of the safeguards agreement as called for by the Agency's Board of Governors.

Hans BLIX

ANNEX II

Communication dated 10 March 1993 from the Minister of Atomic Energy of the Democratic People's Republic of Korea addressed to the Director General of the International Atomic Energy Agency

It is to acknowledge the receipt of your telex dated 26 February.

I have several times mentioned our view, position and the solution regarding clarification of "inconsistencies" and access of two additional sites requested by you. Nevertheless some officials in the IAEA secretariat involved in the superpower's strategy against Korea presented the problems which could have been solved without any difficulties through the ad hoc inspections exaggeratedly in difference with reality to the February Board meeting, and thereby the Board adopted the unjust resolution. It is very regretful for us.

Now the United States and south Korean authorities reopened the joint military exercise "Team Spirit" which was ceased and they are conducting the nuclear war exercise mobilizing the large-scale armed forces against us.

In this context our country has been put in the state of semi-war by the order of the Supreme Commander on 8 March 1993, from 9 March.

I have to inform you under such political and military circumstances created in our country that we could not but reserve consideration of the receipt of the inspection team concerning the implementation of the unjust resolution of the February Board meeting.

CHOI Hak Gun
Minister of Atomic Energy

ANNEX III

Communication dated 10 March 1993 from the Director General of the International Atomic Energy Agency addressed to the Minister for Foreign Affairs of the Democratic People's Republic of Korea

I thank you for your telex of 10 March 1993 replying to my telex of 26 February.

I understand your telex to mean that, as your country has been "put in the state of semi-war", you are not in a position to consider receiving an IAEA inspection team. I am bound to note that this cannot impede the implementation of the safeguards agreement.

In its resolution of 26 February, the Board decided that access to additional information and to the two locations referred to in my telex to you of 9 February "is essential and urgent in order to resolve differences and to ensure verification compliance".

In view of the above, I ask you to consider positively the receipt of the IAEA inspection team at the earliest possible date. As you are aware, I am to report again on the matter to the Board no later than one month from the date of the adoption of the resolution.

Hans BLIX

ANNEX IV

Statement of the DPRK Government

[*For the text of the statement, see document S/25407, annex, above.*]

Annex V

Communication dated 12 March 1993 from the Director General of the International Atomic Energy Agency addressed to the Minister for Foreign Affairs of the Democratic People's Republic of Korea

The Agency has received, from the DPRK Permanent Mission in Vienna, a copy of your Government's statement of 12 March declaring its decision to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

I expect to report very soon to the Board of Governors of IAEA on the implications for the safeguards agreement between IAEA and the DPRK of such a grave step. The justification for a withdrawal will certainly be seriously considered by the parties to the Treaty. For IAEA, which is responsible for the implementation of safeguards in the DPRK under the Agreement concluded pursuant to article III of the NPT, I am bound to point out that the Treaty and the safeguards agreement remain duly in force until any withdrawal takes effect, i.e. after three months advance notice to all other parties and to the United Nations Security Council.

It follows that a declaration of intention to withdraw from the NPT shall not impede the implementation of the safeguards agreement. My request contained in my telex of 10 March that you "consider positively the receipt of the IAEA Inspection Team at the earliest possible date" therefore still stands.

I can assure you that the Agency will continue as always to implement the safeguards agreement with objectivity and impartiality. The sole objective is to seek clarity about the nuclear activities in the DPRK subject to safeguards.

Hans BLIX

Annex VI

Communication dated 16 March 1993 from the Minister of Atomic Energy of the Democratic People's Republic of Korea addressed to the Director General of the International Atomic Energy Agency

I acknowledge the receipt of your telex of 12 March. It was agreed at our several meetings that the problems raised in the implementation of the safeguards agreement should be solved through consultations, and at that time, you recognized that any mistake could be made in Agency inspection and said that the Agency would review it again since "principal inconsistencies" are not the matter unable to be clarified.

Nevertheless, before doing reviews and consultations you submitted "inconsistencies" which do not exist to some Member States without agreement with us and thus internationalized the matter of the implementation of our safeguards agreement, neglecting our sincere efforts for clarification of the "inconsistencies".

Moreover the nuclear threat by the United States against our country is being increased and "Team Spirit" joint military exercises, a nuclear war manoeuvre which was suspended, are resumed and in coincidence with this, you submitted to the February Board meeting the report which is quite different from the real situation using the "intelligence information" fabricated by a third party and thus enabled the Board of Governors to adopt the unjust resolution of "special inspection" concerning our military sites not relevant to nuclear activity. This is a clear evidence that you joined in the plot of the hostile country, a party in hostilities towards us which is trying to make our military sites open, to disarm us and thereby to strangle our socialist system.

The Government of the DPRK declared solemnly to withdraw from NPT on 12 March, because the increased nuclear threat by the United States against our country and unjust resolution adopted at the February Board meeting jeopardized the sovereignty of our nation and the supreme interests of our country. One of the major reasons for withdrawal from the NPT is that some officials of the IAEA secretariat departed from the objectivity and impartiality and joined in a plot of a party in hostilities towards us which is trying to strangle our socialist system.

In such circumstances, I make it clear that we cannot receive the Agency inspection teams.

I think you can never extricate yourself from the responsibility for all consequences resulting from this.

I ask you to circulate to the Board of Governor's Member States this letter including my letters to you dated 14 and 27 January, 15 February and 10 March.

CHOI Hak Gun
Minister of Atomic Energy, DPRK

DOCUMENT S/25446

Letter dated 19 March 1993 from the representative of Kuwait to the President of the Security Council

[*Original: English*]
[*19 March 1993*]

On instructions from my Government, I have the honour to inform you that, once again, Iraq failed to participate in the meeting of the United Nations Iraq-Kuwait Boundary Demarcation Commission which took place in Geneva, during the period from 15 to 18 March 1993. This is the fourth consecutive time in which Iraq refuses to attend the meetings of the Commission, which currently pertain to the demarcation of the sea boundary.

Kuwait strongly regrets Iraq's continued non-participation in the work of the Commission, which clearly portrays Iraq's ill-intention towards complying with Security Council resolutions.

The Security Council, on the basis of its responsibility for peace and security in the world, must therefore take appropriate measures to ensure Iraq's compliance with the letter and substance of its relevant resolutions.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammad A. ABULHASAN
Permanent Representative
of Kuwait to the United Nations

DOCUMENT S/25447

Letter dated 19 March 1993 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*22 March 1993*]

I have the honour to submit herewith, a letter dated 19 March 1993 from the President of the Republic of Croatia, Mr. Franjo Tudjman, addressed to you.

I should be grateful if you would provide for the circulation of this letter and the attachment as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative of
Croatia to the United Nations

LETTER DATED 19 MARCH 1993 FROM THE PRESIDENT OF THE REPUBLIC OF CROATIA ADDRESSED TO THE SECRETARY-GENERAL

My country highly regards your indefatigable and devoted efforts to bring peace to the territory of the Republic of Croatia and the area of former Yugoslavia. The United Nations has the pivotal role in the ongoing initiatives for creating stability and security in the region. With sincere appreciation for all the actions you are currently undertaking, I would like to take this opportunity to reiterate some of the highlights of Croatia's proposal for the facilitation and improvement of the future performance of the United Nations Protection Force (UNPROFOR).

Croatia welcomes the fact that the United Nations is seriously considering our call for a more effective and resolute UNPROFOR mandate in the Republic of Croatia. We firmly believe that the execution of the new UNPROFOR mandate should clearly conform with the political solution that is to be defined under the auspices of the Security Council. This solution should secure the sovereignty and territorial integrity of the Republic of Croatia, including the imposition of the authority of the Croatian Government over the entire territory of the Republic, as well as providing maximum respect for human and minority rights in Croatia.

We advocate defining the obligations that the Croatian Government and Serbian local authorities must fulfil during each stage of the peace process, thus ensuring the complete implementation of the Vance plan. It is our firm opinion that the peace operation taking place on Croatian soil should be redefined in order to utilize concrete mechanisms for the active implementation of the Vance plan, including the time-frame for its gradual execution. Only through the effective implementation of relevant Security Council resolutions will we be able to reach a just and everlasting solution to the ongoing crisis within the shortest possible period.

At this moment the UNPROFOR operation is taking place on the territory of two sovereign States Members of the United Nations - Croatia and Bosnia and Herzegovina - and on the territory of the Republic of Macedonia. Therefore, "Yugoslavia" has no competence either in a legal or a political sense for the ongoing UNPROFOR action. This is not a civil war but an international armed conflict caused by Serbian aggression against Croatia and Bosnia and Herzegovina. This is the essence of the crisis. Therefore, the definition of the character of the peace mandate and the formal agreement on the status of United Nations forces must be reached among the respective Governments and the United Nations. Consequently, the agreement on the future mandate and status of UNPROFOR in Croatia must be concluded between the United Nations and the Government of the Republic of Croatia.

Croatia would like to see the UNPROFOR mandate prolonged for an additional six months, based upon the premise of the dynamic concept of gradual implementation of the Vance plan and relying on the political solution that would mutually respect Croatia's sovereignty as well as the rights of minorities on its territory with the goal of creating lasting internal and regional stability and security.

In Croatia, the UNPROFOR operation must have an approach parallel in spirit and execution to the action the world community is prepared to undertake in Bosnia and Herzegovina. The success of the implementation of the peace plan in Bosnia and Herzegovina is closely linked to the positive outcome of the peace action in Croatia. Therefore, Croatia is calling for the same level of determination in achieving a peaceful solution based upon the key Security Council resolutions and peace plans formulated under the auspices of the International Conference on the Former Yugoslavia. Failure of the peace efforts in Croatia will decrease hopes of reversing Serbian aggression in Bosnia and Herzegovina and ending unbearable civilian suffering and material destruction. We remain determined that the future UNPROFOR operation in Croatia should be based on the following fundamental principles: (*a*) immediate beginning of the process of restoring Croatian civil authority in the so-called "pink zones"; (*b*) the complete and immediate demilitarization of the United Nations Protected Areas (UNPAs) and the establishment of local police forces in accordance with the general principles of the Vance plan; (*c*) full implementation of Security Council resolution 769 (1992) which imposes firm control by UNPROFOR forces of the border areas in Croatia where the boundaries of the UNPAs coincide with internationally recognized frontiers of the Republic of Croatia; without the effective control of these borders the aggression by Serbian forces will continue in the future; (*d*) voluntary and unconditional return of all the refugees and displaced persons to their homes.

Croatia believes that one of the first steps in the reintegration process that is to be a part of the new UNPROFOR mandate should be the promotion of confidence-building measures aimed at decreasing distrust and tensions among the people in the area. It is important to normalize life and living conditions in all the territory of Croatia as soon as possible. Therefore, one of the primary tasks for UNPROFOR should be the reopening of major roads, railways, aqueducts, electric transmission lines and pipelines throughout the UNPAs. It is essential to establish immediately the normal traffic of the Zagreb-Knin-Split railway. In the process of reopening the roads, priority must be given to the highway Zagreb-Slavonski Brod-Županja, as well as to the roads Karlovac-Plitvice-Obrovac-Šibenik; Plitvice-Gračac-Knin-Split; Vinkovci-Ilok; Vinkovci-Vukovar and Osijek-Bilje-Beli Manastir-Kneževo.

The United Nations operation in the Republic of Croatia should also provide continuous humanitarian assistance to the population in the occupied areas and to the population in the parts of Croatia which have been isolated and blocked due to the hostilities, especially in the southern coastal region of Dalmatia. The Croatian Government is preparing various measures for normalizing living conditions throughout the UNPAs, which will be undertaken after the vigorous implementation which is desired from UNPROFOR. We are ready to take all measures for re-establishing and integrating the school system, social and health care, and pension system with the rest of the Republic of Croatia. We will issue Croatian identification cards to all Croatian citizens in the UNPAs, as well as passports and other documents, in accordance with the existing procedure.

Reopening of the high-voltage transmission grid through Sector South is of vital importance for the million inhabitants in Dalmatia and is also for the benefit of the Serbian population in Sector South. The Adriatic oil pipeline which partly crosses through Sector West should also be immediately reopened because of its strategic value for the Republic of Croatia, as well as for the neighbouring countries of Central Europe.

The Croatian Government is prepared to proceed with direct talks on normalization, confidence-building and minority rights issues with the legitimate representatives of the Serbian population from each of the UNPA sectors, namely those who were elected in local elections before the outbreak of the conflict. We firmly believe that one of the important steps in the renewed and revised mandate of UNPROFOR should be organizing internationally supervised local elections in those parts of Croatia, taking into account the 1991 census; this will produce legitimate representatives of the Serbian and other local population on all the governmental levels. We would welcome the participation of these elected representatives in the work of both chambers of Croatian Parliament.

Croatia cannot be satisfied with the results of the ongoing UNPROFOR operation, nor with the manner in which it was performed. Although we salute the brave effort of the UNPROFOR personnel and their devotion to peace, we must unfortunately express dissatisfaction with the fact that the most important provisions of the Vance plan have not yet been fulfilled. We think that this is primarily due to the limited character of the existing UNPROFOR mandate, which proved to be inadequate to initiate and support the process of the return of the refugees, control of international borders of Croatia, disarming of Serbian paramilitary units and restoration of Croatian Government authority in the "pink zones" and UNPAs.

Security Council resolution 807 (1993), which provides the UNPROFOR forces in Croatia with additional measures for their own protection, is a good starting-point for intensifying the implementation of the Vance plan, given the fact that the Security Council authorization to UNPROFOR to use force when necessary is essential not only for the personal safety of United Nations troops, but also for the fulfilment of all unaccomplished provisions of the Vance plan.

Although Croatia is committed to full cooperation with UNPROFOR, we cannot accept the extension of the same mandate that has been badly misused by the Serbian side. Negotiations and confidence building are absolutely essential, but this process cannot be initiated, or carried out, without a strengthened UNPROFOR mandate and international guarantees for securing the results of the peace process in the region.

(*Signed*) Franjo TUDJMAN
President of the
Republic of Croatia

DOCUMENT S/25449

Letter dated 22 March 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*23 March 1993*]

I have the honour to transmit herewith a letter dated 19 March 1993 by Mr. Vladislav Jovanovic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have the present letter and the attachment circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

LETTER DATED 19 MARCH 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Republic of Croatia and the Muslim forces of Alija Izetbegovic continue to interfere with the efforts of the United Nations to resolve the problems, through negotiations and in a peaceful manner, in the territory of the former Yugoslavia, in particular to end the bloody war in the former Bosnia and Herzegovina and create the conditions for the extension of the mandate of the United Nations peace-keeping forces in the United Nations Protected Areas. They particularly seek to engage the Federal Republic of Yugoslavia in the war and thus provoke foreign military intervention. To achieve those ends, the territorial integrity of the Federal Republic of Yugoslavia has been constantly threatened and its sovereignty violated by naked aggression over a long period of time, especially when important negotiations were under way or crucial agreements to be reached. The Security Council has been duly informed in the past few months about it with a request that such aggressive conduct and the escalation of the conflict be prevented.

However, the Republic of Croatia and the Muslim leadership of the former Bosnia and Herzegovina continue to pursue their aggressive policies. Throughout March, the Bosnian Muslims attempted several times to infiltrate terrorist groups in the territory of the Federal Republic of Yugoslavia. Those have been identified and prevented at the right time. In the nights between 3 and 4 and 10 and 11 March, powerful terrorist groups clandestinely crossed the Drina River but were intercepted just in time before they could proceed with their bloody intentions. Furthermore, on 12 March around 4.15 p.m., the Muslim forces shelled downtown Banja Koviljaca in the territory of the Federal Republic of Yugoslavia. In addition to extensive structural damage to civilian targets, one person was killed and another wounded. As you are aware, a team of United Nations military observers is currently in Banja Koviljaca coordinating the humanitarian effort to deliver relief to the Muslims in eastern Bosnia.

As you have been already informed, the Republic of Croatia also persists with armed provocations on the border with the Republic of Montenegro in addition to more open violations of the Prevlaka peninsula status, the territory under United Nations protection. In his letter of 24 February [*S/25331*], my predecessor informed the Security Council of the armed provocations of 19 and 20 February 1993 in this area, which resulted in loss of life. Similar provocations occurred on 7, 8 and 11 March when the Army of Croatia, from their positions in the area of Dubravka and Pelinovo Brdo villages, attacked with artillery and tank fire the units of the Army of Yugoslavia located in the area of Sitnica village. There was no response to those provocations and the United Nations military observers were duly informed.

I note with regret that so far effective measures by the Security Council have failed to materialize with a view to putting an end to the aggression of the Muslims and the Republic of Croatia against the territory of the Republic of Serbia and the Republic of Montenegro respectively. Moreover, the Security Council has completely ignored those problems.

We, therefore, follow such developments with deep concern. In the interest of peace, the Federal Republic of Yugoslavia has continued to make the greatest sacrifice and desisted from adequately responding to armed provocations. That, however, cannot go on interminably. Consequently, I once again appeal to the Security Council to seriously consider those problems and undertake appropriate measures to prevent further armed conflicts.

I should be grateful if you would inform the members of the Security Council of the contents of this letter and have it circulated as a document of the Security Council.

(*Signed*) Vladislav JOVANOVIC
Minister for Foreign Affairs
of Yugoslavia

DOCUMENT S/25450

Letter dated 20 March 1993 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*22 March 1993*]

I have the honour to transmit herewith, the statement of the Government of the Federal Republic of Yugoslavia concerning the alleged violations of Security Council resolution 781 (1992).

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

(*Signed*) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of
Yugoslavia to the United Nations

TEXT OF THE STATEMENT

The Government of the Federal Republic of Yugoslavia expresses its concern over the alleged combat use of aircraft in eastern Bosnia on 13 March 1993 and the violation of Security Council resolution 781 (1992). It is surprising that the statement adopted by the Security Council on that occasion [*S/25426*] demands from the Serbian side in Bosnia and Herzegovina an immediate explanation of the aforementioned violations of resolution 781 (1992) - the Serbian side thus being *a priori* taken as a perpetrator - and requests the Secretary-General to "ensure that an investigation is made of the reported possible use of the territory of the Federal Republic of Yugoslavia ... to launch air attacks against the territory of the Republic of Bosnia and Herzegovina".

Therefore, in the interest of truth, the Government of the Federal Republic of Yugoslavia finds it necessary to point out the following facts:

It is well known that the highest officials of the Federal Republic of Yugoslavia proposed that military observers be deployed at the airfields in its territory. Sensitive and unusual as this measure might be, it was advanced to dispel false and unscrupulous accusations of the alleged use of the Yugoslav Air Force in the war in Bosnia and Herzegovina. As confirmed by United Nations documents, none of 465 violations of the no-fly zone were made by the aircraft of the Yugoslav Air Force. The one-sided accusation that Yugoslavia has violated the no-fly zone and thus undermined the peace process is astonishing at a time when agreements are in sight to end the war and find a peaceful and just solution to the problems in former Bosnia and Herzegovina, in which Yugoslavia is vitally interested.

Owing to such a one-sided approach in evaluating this event, the Muslim and Croatian side had been forthwith freed of any responsibility. At the same time, the fact that the Muslim side has on a number of occasions orchestrated horrendous crimes targeting civilians in the territory under its control, particularly in Sarajevo, and blamed the Serbs, has been completely ignored. That has invariably been the case when important agreements to end the war were to be reached. The description of aircraft and the targets, close to the border with the Federal Republic of Yugoslavia, indicate that we are dealing with a provocation and a premeditated fraud whose purpose is to exert pressure, at this moment, on the Security Council.

Airplanes and helicopters of the Air Forces of the Army of Yugoslavia have not violated the airspace of Bosnia and Herzegovina since the no-fly zone came into effect, not even for humanitarian flights to evacuate the sick and wounded members of the Army of the Serbian Republic and the Republic of Serbian Krajina, especially after Croatia's aggression against the territory under United Nations protection.

On the day of alleged combat use of aircraft in eastern Bosnia, the airplanes of the Air Force did not violate the airspace of Bosnia and Herzegovina. That has been unambiguously confirmed by the United Nations observers deployed at airfields in the Federal Republic of Yugoslavia. We have no reason to believe that they have indicated otherwise in the official reports or that those have been tampered with.

Air Force and Anti-Aircraft Defence of the Army of Yugoslavia did not register the violation of the airspace of the Federal Republic of Yugoslavia at the said time by the aircraft that allegedly left in the direction of the Federal Republic of Yugoslavia. Likewise, no aircraft activities have been registered in the airspace of eastern Bosnia at the time and place quoted in the United Nations documents.

On this occasion as well, the Federal Republic of Yugoslavia reaffirms its readiness strictly to abide by the provisions of Security Council resolution 781 (1992), as has been the case so far, and desist from any act that may impede the search for a just solution and establishment of lasting peace in Bosnia and Herzegovina and in the territory of the former Yugoslavia as a whole. To that end, we stand ready to undertake further measures with a view to establishing the truth and thoroughly investigating this particular incident.

DOCUMENT S/25451

Letter dated 18 March 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*22 March 1993*]

I have the honour to inform you that I have decided to appoint Augusto Ramirez Ocampo, former Minister for Foreign Affairs of Colombia and a former Assistant Administrator of the United Nations Development Programme, as my Special Representative and Chief of Mission of the United Nations Observer Mission in El Salvador (ONUSAL). The appointment, which is at the rank of Under-Secretary-General, will become effective on 1 April.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25454

Letter dated 22 March 1993 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*22 March 1993*]

I have the honour to submit herewith a letter dated 19 March 1993 from the Prime Minister of the Republic of Croatia, Mr. Hrvoje Sarinic, addressed to you.

I should be grateful if you would provide for the distribution of this letter and the attachment as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

LETTER DATED 19 MARCH 1993 FROM THE PRIME MINISTER OF CROATIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On 30 September 1992 the President of the Republic of Croatia, Mr. Franjo Tudjman and the President of the Federal Republic of Yugoslavia, Mr. Dobrica Cosić, signed a Joint Declaration at Geneva [*S/24476*] in which it was agreed that the Yugoslav Army would withdraw from Prevlaka, the southernmost part of Croatia, on 20 October 1992, in compliance with the Vance plan. For reasons of security the Prevlaka area has been demilitarized at both sides of the state border between Croatia and Montenegro (FR of Yugoslavia); the situation there is supervised by the United Nations observers.

The Republic of Croatia strictly abides by the agreed arrangements. There are no Croatian armed forces in the Prevlaka area and the law and order there is kept by a limited number of police forces.

As reported by the Croatian Ministry of Interior, the Prevlaka area is peaceful, without any incidents. Reports by the United Nations observers deployed there can also be used as evidence of that.

Nevertheless - as reported by the Tanjug Yugoslav news agency - Mr. Pavle Bulatović, Defence Minister of the FR of Yugoslavia, declared that in the days to come he would introduce a "series of political and military measures" for the "protection of the territorial integrity of FR of Yugoslavia" owing to more months of alleged artillery attacks in the Prevlaka area. A few days before this statement Mr. Radoje Kontić, Prime Minister of FR of Yugoslavia, in his letter to the Security Council requesting a prolongation of UNPROFOR's mandate, referred to "continuous armed provocations by and build-up of Croatian armed forces in the border strip between Montenegro and Croatia". A representative of the Yugoslav Army, Counter-Admiral Dušan Rakić, as reported by the Montenegrin Radio, declared to the MPs in the Montenegrin town of Herceg Novi, close to Prevlaka, that "a new war with Croatia was only one step away".

Therefore, through the invention of such threats from Croatia an atmosphere is being created and preparations made for a renewed aggression at the southern part of Croatia.

The fact that Montenegro (FR of Yugoslavia) is in no way threatened by Croatia was recently confirmed by the Montenegrin Minister of Interior, Mr. Nikola Pejaković, who said in the Montenegrin Parliament that the "situation in Prevlaka was stable" and that "the stories about the military build-up towards Montenegro were invented". After this statement the militant MPs of the Serbian Radical Party - the leaders of which had already committed many war crimes in Croatia and Bosnia-Herzegovina - walked out, requested that the Minister of Interior be held responsible for his words and threatened Croatia with "thousands of their volunteers".

The above-mentioned statements and actions taken by the political and military leadership of FR of Yugoslavia, actually of Serbia - because the military command is concentrated in the Headquarters and Supreme Council in Belgrade - pose a serious threat to the sovereignty and territorial integrity of Croatia as well as to the international peace and security in this part of Europe where it is already the third year in succession that an aggressive war of Serbia has been going on against two States Members of the United Nations, Croatia and Bosnia-Herzegovina.

Let me remind you that the aggression of Serbia, Montenegro and the Yugoslav Army in autumn 1991 was undertaken against the said southern part of Croatia under a similar pretext that the Croatian forces had attacked the strategically important and exceptionally well fortified Prevlaka radar-rocket base of the Yugoslav Army, although at that time the Republic of Croatia, which had freshly declared its independence and sovereignty, had virtually no armed forces of its own.

The Croatian Government wants to bring to your notice and to that of the Security Council that FR of Yugoslavia is systematically and seriously threatening the sovereignty and territorial integrity of Croatia - specifically, by announcing a military occupation of the Prevlaka area in the south of Croatia - through outspoken statements given by top Yugoslav political and military officials. In this connection the Croatian Government wants to remind you and the Security Council of your commitments in such situations resulting from the Charter of the United Nations.

You are kindly requested to notify the Member States of the contents of this letter.

(*Signed*) Hrvoje ŠARINIĆ
Prime Minister

DOCUMENT S/25455

Letter dated 21 March 1993 from the representative of Viet Nam to the Secretary-General

[*Original: English*]
[*22 March 1993*]

Upon instructions from my Government, I have the honour to transmit to you herewith letters dated 16 March 1993 from Mr. Nguyen Manh Cam, Minister for Foreign Affairs of Viet Nam addressed to H.R.H. Prince Norodom Sihanouk, President of the Supreme National Council of Cambodia, and to Mr. Yasushi Akashi, head of the United Nations Transitional Authority in Cambodia.

I would be very grateful if you could have these letters circulated as documents of the Security Council.

(*Signed*) TRINH XUAN LANG
Permanent Representative of
Viet Nam to the United Nations

ANNEX I

Letter dated 16 March 1993 from the Minister for Foreign Affairs of Viet Nam addressed to the President of the Supreme National Council of Cambodia

Following a series of massacres of Vietnamese residents in Cambodia, which took place after the signing of the Paris agreements on the political settlement of the Cambodia problem, the recent 10 March 1993 barbarous massacre of Vietnamese residents committed by the Democratic Kampuchea faction is a source of extreme emotion and concern for the Government and people of Viet Nam. Viet Nam's stance on this matter was clearly expressed in the statement issued by the Ministry of Foreign Affairs of Viet Nam on 11 March 1993.

It is most heartening to us that Your Highness has expressly shared Viet Nam's deep concern and on many occasions spoken out in defence of the Vietnamese community in Cambodia as you would for other foreign resident communities.

In the face of the risk of the Khmer Rouge's escalation of crimes against the lives and properties of Vietnamese residents in Cambodia, we urgently request the Cambodian parties, the Supreme National Council, the United Nations Transitional Authority in Cambodia and the international community to take determined measures to stop the killing of Vietnamese residents and protect their peaceful life and legitimate interests in exact conformity with the spirit of the Paris agreements and other international instruments on human rights.

It is our sincere wish that Your Highness, in your capacity as President of the Supreme National Council and with your high prestige and vast influence, will instruct the Supreme National Council to take strong, urgent and effective measures to protect the Vietnamese residents in Cambodia, thus showing your good will and evincing the spirit of the joint statement which I had the honour to sign with Your Highness in January 1992.

(*Signed*) NGUYEN MANH CAM
Minister for Foreign Affairs

ANNEX II

Letter dated 16 March 1993 from the Minister for Foreign Affairs of Viet Nam addressed to the head of the United Nations Transitional Authority in Cambodia

The Government and people of Viet Nam are deeply concerned about the increasingly grave acts of terrorism and massacre committed by the Khmer Rouge faction against Vietnamese residents in Cambodia, since the signing of the Paris agreements, of which the recent brutal massacre of 33 Vietnamese residents at Chong Kneas fishing village in Siem Reap Province in the evening of 10 March 1993 is the latest evidence.

We highly appreciate the positive and timely measures you have taken to investigate this incident, leading to the 16 March conclusion that the Khmer Rouge faction was the culprit.

In the face of the risk of the Khmer Rouge's escalation of crimes, the Government of Viet Nam urgently appeals to the United Nations Transitional Authority in Cambodia, within its authority and mandate provided for by the Paris agreements, to undertake its full responsibility and take strong, urgent and effective measures with a view to putting an end to brutal massacres of Vietnamese residents, protecting their peaceful life and legitimate interests in exact conformity with the spirit of the Paris agreements as well as other international instruments on human rights.

(*Signed*) NGUYEN MANH CAM
Minister for Foreign Affairs

DOCUMENT S/25456

Letter dated 19 March 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*22 March 1993*]

The Prime Minister of France telephoned me very early this morning to convey his deep concern over the situation developing in eastern Bosnia and Herzegovina. The UNPROFOR [*United Nations Protection Force*] Commander, who is in Kiseljak to oversee personally the relief operation to Srebrenica has been reporting continuing obstruction by regular and irregular Serb forces of relief efforts.

The United Nations High Commissioner for Refugees also had reported that UNHCR's relief efforts were blocked despite intensive and persistent negotiations with the political and military leadership of the Bosnian Serbs and the highest levels of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), including personal assurances from Mr. Karadzic and Mr. Milosevic.

The High Commissioner further reports that thousands of people are seeking refuge in Srebrenica from surrounding areas which are being systematically attacked and occupied by Serb forces, and that 30 or 40 persons are dying daily from military action, starvation, exposure to cold or lack of medical treatment.

The only positive feature in this appalling situation is a report from the UNPROFOR Commander a short while ago that last night 6 United States aircraft dropped 32 tons of food and 1 1/2 tons of medical supplies in the area, and that tomorrow air-drops by another 9 aircraft are planned. He also has just reported that at about midday New York time the land convoy was able to enter Srebrenica.

Despite these positive developments, it is becoming starkly evident that a massive humanitarian tragedy may be unfolding in eastern Bosnia and Herzegovina, as a result of defiance by Serb elements of the resolutions of the Security Council. I shall be grateful if you would bring these considerations to the attention of the members of the Council. I shall, of course, keep you informed of further developments.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25457

Letter dated 22 March 1993 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*22 March 1993*]

I have the honour to refer to the consideration by the Security Council of a draft resolution on the proposed enforcement by Member States of the interdiction on military flights in the airspace of Bosnia and Herzegovina [*S/25440*].

In this connection, I received, during the weekend, a cable from the Force Commander of UNPROFOR, Lieutenant-General Lars-Eric Wahlgren, expressing his grave concern about the proposed resolution. In brief, his view is that the activity that has so far occurred from the air has had no significant impact on the military situation. His apprehension is that the proposed enforcement action will have negative consequences for the viability of UNPROFOR within its existing mandate. In particular, he is concerned that the delivery of humanitarian aid, the protection of which constitutes the predominant part of UNPROFOR's work in Bosnia and Herzegovina, would be seriously jeopardized. The Force Commander is also deeply worried about the safety and security of the most vulnerable elements of UNPROFOR, viz., military observers and civilian personnel in locations in the region where they would become vulnerable, notably, the air fields.

I feel it my duty to bring the concerns of the Force Commander to your immediate attention. Members of the Council would recall that General Wahlgren's predecessor, General Nambiar, had expressed similar apprehensions.

(*Signed*) Boutros BOUTROS-GHALI

DOCUMENT S/25458*

Letter dated 22 March 1993 from the observer of Palestine to the Secretary-General

[*Original: English*]
[*22 March 1993*]

I am instructed by the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your attention.

In the past several months, the level of repressive measures and lethal actions by the Israeli authorities against the Palestinian people living in the occupied Palestinian territory, including Jerusalem, has increased dramatically. This reflects what appears to be a new policy adopted by the Government of Israel. Several public statements made by high-level Israeli officials have also clearly incited further violence against Palestinians. Today three Palestinian youths were killed by the Israeli army, including Mohamed Tawfik Jarbouh, a Palestinian child 11 years of age from the Rafah refugee camp, who was killed when he was hit in the neck by a bullet. Further, four Palestinians were killed over this past weekend. In the Gaza Strip alone, since 1 December 1992, 52 Palestinians, including 17 children under 16 years of age, have been killed by Israeli troops or settlers; some cases have been tantamount to intentional killing. The effects of the presence and actions of the Israeli colonial settlers, who have been brought to the occupied Palestinian territory by the Israeli authorities in blatant violation of article 49 of the fourth Geneva Convention of 12 August 1949,[1] which is applicable to all the occupied Palestinian territory, including Jerusalem, are alarming as the pattern of killing and injuring Palestinian civilians by armed settlers continues to rise.

During the same time period, since 1 December 1992, approximately 2,000 Palestinian civilians have been wounded and injured. This figure includes over 400 children who have been shot by live ammunition. These numbers are disturbing, for the total of fatalities for the past four months has been higher than that recorded during the first four months of the *intifadah* in the occupied Palestinian territory.

Such Israeli policies and practices drastically undermine the efforts aimed at achieving peace in the Middle East. This represents yet another Israeli obstacle, in addition to the obstacle of the unresolved deportee crisis due to Israel's non-compliance with Security Council resolution 799 (1992) of 18 December 1992, to the resumption of negotiations in the current peace process.

The above-mentioned developments lead us to reiterate our belief in the necessity for the Security Council to carry out its responsibilities and provide, in accordance with resolution 681 (1990) of 20 December 1990, international protection for the Palestinian people living under Israeli occupation. In this regard, we recall your report of 25 January 1993 [*S/25149*]. We, as the representative of the Palestinian people, request that the Security Council formally consider this situation, with the aim of adopting concrete measures to provide protection for the Palestinian people in the framework of Security Council resolution 681 (1990).

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*Circulated under the double symbol A/47/909-S/25458

I would be grateful if you could arrange to have the text of the present letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

DOCUMENT S/25460

Letter dated 22 March 1993 from the representative of Egypt to the President of the Security Council

[*Original: Arabic*]
[*22 March 1993*]

With reference to the letter dated 22 March 1993 from the Permanent Observer of Palestine [*S/25458*], in my capacity as Chairman of the Group of Arab States for this month and on behalf of its members, I have the honour to request the Security Council to meet in a formal session in order to consider the serious situation in the occupied Palestinian territories, including Jerusalem.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Nabil ELARABY
Permanent Representative
of Egypt to the United Nations

DOCUMENT S/25461

Letter dated 22 March 1993 from the representative of Croatia to the Secretary-General

[*Original: English*]
[*23 March 1993*]

I have the honour to submit a letter dated 19 March 1993 from the Prime Minister of the Republic of Croatia, Mr. Hrvoje Sarinic, addressed to you.

I would be grateful if you would provide for the circulation of this letter and the attachment as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

LETTER DATED 19 MARCH 1993 FROM THE PRIME MINISTER OF THE REPUBLIC OF CROATIA ADDRESSED TO THE SECRETARY-GENERAL

May I inform you about the difficult situation in the Republic of Croatia in terms of power supply which is insufficient to meet the basic needs of some 700,000 people in Dalmatia (southern Croatia) and inadequate to provide for over 200,000 refugees from Bosnia and Herzegovina given shelter in that part of Croatia. The terrorist act of mining the Peruca Dam by Serbian paramilitary units, coupled with the driest season in these parts over the past 40 years, has resulted in a shortage of electric power affecting the whole area of southern Croatia, jeopardizing thus the economy of the entire region and endangering the subsistence of its residents and refugees alike. The supply system in the area is currently being cut off for 15 hours every day, with a gloomy prospect of this period being extended to 20 hours a day, should a solution not be found.

The Republic of Croatia signed a protocol with the Republic of Bosnia and Herzegovina on the power supply to Croatia from the Tuzla and Kakanj TEPPs. Due to the war situation, however, Bosnia and Herzegovina is unable to meet these requirements for the time being.

Because these efforts are aimed at providing the inhabitants of Dalmatia and the refugees there with electric energy, as well as at preventing a total collapse of the economy, hence a threat to the survival of the population, this action is obviously a humanitarian one, and in full compliance with international humanitarian law. To this end, I have forwarded a letter to the Commander of the United Nations Protection Force (UNPROFOR), General Lars Eric Wahlgren, appealing for UNPROFOR support in its implementation.

As this action is strictly humanitarian, may I ask for your personal support of the attempts at providing the region of Dalmatia with the necessary energy. By courtesy of the members of the Croatian Permanent Mission to the United Nations and General Wahlgren, you will be duly informed about concrete steps taken.

Hrvoje SARINIC
Prime Minister

DOCUMENT S/25462

Letter dated 22 March 1993 from the representative of Iraq to the President of the Security Council

[*Original: Arabic*]
[*23 March 1993*]

On instructions from my Government, I have the honour to transmit a letter from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, dated 22 March 1993, containing Iraq's position on an extremely important matter related to the compensation provided for under paragraph 19 of the unjust Security Council resolution 687 (1991).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

LETTER DATED 22 MARCH 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to state Iraq's position on an extremely important matter related to the compensation provided for under paragraph 19 of the unjust Security Council resolution 687 (1991), which sets forth the mechanisms for determining the appropriate level of Iraq's contribution to the Compensation Fund, based on a percentage of the value of the exports of petroleum from Iraq, not to exceed a figure to be suggested to the Council by the Secretary-General of the United Nations, taking into account the requirements of Iraq and Iraq's payment capacity, and taking into consideration external debt service and the needs of the Iraqi economy.

Pursuant to the above paragraph, the Secretary-General submitted a comprehensive report [*S/22559*] dated 2 May 1991 in which he made proposals concerning the institutional framework of the Compensation

Fund and the United Nations Compensation Commission, the structure of the Commission, its status, privileges and immunities, its expenses and its headquarters, and the functions of the Governing Council, the commissioners and the secretariat. He also proposed the mechanisms for determining the appropriate annual level of Iraq's contribution to the Compensation Fund, the arrangements for ensuring that payments were made to the Fund, the compensation claims procedure, the method of filing claims, the processing of claims and the payment of compensation.

The Security Council, by its resolution 692 (1991), approved the aforesaid report and established the Compensation Fund in accordance with the proposals of the Secretary-General. The headquarters of the Governing Council was to be in Geneva, and the Governing Council was to decide whether some of the activities of the Commission should be carried out elsewhere.

The Security Council, by its resolution 705 (1991), also approved the proposal made by the Secretary-General in his note dated 31 May 1991, [*S/22661*] in which he estimated the needs of the Iraqi economy in imports at $8 billion of the total petroleum revenues, which he estimated at approximately $21 billion annually. On that basis, he determined the percentage for debt servicing at 22 per cent and a percentage not exceeding 30 per cent for the contribution to the Compensation Fund.

Iraq has noticed with regret that certain companies and individuals have started to bring actions in their national courts claiming compensation for damage which they allege to have sustained, thereby aiming at the assets and reserves which Iraq has abroad, instead of seeking recourse to the Compensation Commission. The execution of those claims against Iraqi assets abroad, instead of from the resources of the Compensation Fund, means that the percentage deducted from Iraq's petroleum exports will exceed in practice the upper limit for compensation payment specified by the Security Council. Consequently, that will have negative repercussions on Iraq's ability to meet the essential needs of the Iraqi people and the Iraqi economy, which may severely harm the Iraqi economy, thus making it impossible for Iraq to fulfil its obligations to the Compensation Fund itself.

In the light of the foregoing, the Government of the Republic of Iraq requests the Security Council to take the measures which it deems appropriate to lay down guidelines to coordinate the measures related to compensation at both international and local levels in order to ensure that the percentage of compensation to be determined is not exceeded. It requests all States concerned to coordinate with it before beginning to implement the decisions of national courts in connection with such claims.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed Said AL-SAHAF
Minister for Foreign Affairs of Iraq

DOCUMENT S/25464*

Letter dated 23 March 1993 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the Secretary-General

[*Original: English*]
[*23 March 1993*]

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to draw your attention to the increasingly grave situation in the occupied Palestinian territory as a result of the intensification of repressive measures by the Israeli authorities.

Since the deportation of over 400 Palestinians in mid-December, there has been a rise in clashes between Israeli soldiers and armed settlers and the Palestinian people living in the occupied Palestinian territory. About 50 Palestinians have been shot and killed in street disturbances - a death rate not seen in several years. Most of the Palestinian casualties - at least 15 deaths in the month of March - have been in the Gaza Strip, where 4 people were killed this weekend alone. A large proportion of the victims continue to be children under 16.

According to the recent State Department global human rights report, Israeli Defence Force killings of Palestinians increased 62 per cent in 1992 from a year earlier. In their efforts to quell Palestinian resistance to the occupation, the Israeli authorities have further relaxed the use of live ammunition to deal with demonstrations, have launched armed attacks against Palestinian houses and have continued to engage in undercover killings of Palestinian militants and to impose blanket curfews and other forms of collective punishment.

Far from restoring calm to the occupied Palestinian territory, it is clear that these measures only fuel greater resistance and add to the tension and violence in a manner that arouses the greatest concern. Such Israeli policies drastically undermine the efforts aimed at achieving peace in the Middle East, and present another obstacle besides the unresolved question of deportees due to Israel's non-compliance with Security Council resolution 799 (1992) of 18 December 1992.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish once again to convey alarm at the continued disregard by Israel, the occupying Power, of its obligations under the fourth Geneva Convention and the relevant Security Council resolutions. The Committee appeals to the Security Council to take the necessary measures to provide appropriate protection to the Palestinian people, in accordance with the provisions of the Geneva Convention and Security Council resolutions, in particular resolution 681 (1990) of 20 December 1990.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Kéba Birane CISSE
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

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DOCUMENT S/25465

Letter dated 23 March 1993 from the representative of Kuwait to the President of the Security Council

[*Original: English*]
[*23 March 1993*]

On instructions from my Government, I have the honour to enclose herewith two articles** that were recently published in the official Iraqi media, and which contain unequivocal proof of Iraq's unwillingness and insensitivity in implementing Security Council resolutions, especially resolutions 687 (1991) and 773 (1992).

The first article, entitled "The Kuwait Governorate Administration puts a ceiling on migrant workers", was published on 6 March 1993, in

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*Circulated under the double symbol A/47/911-S/25464

**The articles are not reproduced in the present *Supplement*; they may consulted in the files of the Secretariat the newspaper *Babel*, whose editorial board is chaired by Udayy Saddam Hussein, son of the President of the Iraqi regime. The said article unequivocally uses phrases that are meant to indicate that Kuwait is still part of Iraq. The article, for example, refers to the State of Kuwait as "the Governorate of Kuwait". It also refers to the Minister of Social Affairs and Labour of the State of Kuwait as "a local official of the Department of Social Affairs in the Kuwaiti Governorate Administration". And furthermore, it refers to the official Kuwaiti news agency as "the Governorate's local news agency".

The second article, entitled "the Unity of Iraq's territory and people is a timeless truth", was published on 16 March 1993 in the newspaper *Al Khuadissiyah*, which is the official publication of the Ministry of Defence. The content of this article is irrefutable proof of the falsity of Iraq's claims that it has accepted Security Council resolution 687 (1991). The article clearly states that "the acceptance by Iraq of the ill-reputed resolution 687, was in reality an acceptance of an imposed status quo paving the way to a time when it could be overcome and changed". The article further states: "To adhere to the bitterness of a status quo under certain circumstances does not, by any means, imply acceptance of that status quo ... The borders of Iraq and the unity of its people and territory are holy, and can be compared to the edge of a blade that cuts the hand of whoever tries to touch it".

Such articles which appear regularly in the Iraqi official media, are a testimony to Iraq's flagrant violation of the letter and substance of relevant Security Council resolutions. Furthermore, such articles are intended to poison Iraqi public opinion which, in turn, manifests the sinister aggressive designs the Iraqi regime still harbours against Kuwait, thus threatening future security and stability in the region.

The Security Council, on the basis of its responsibility for peace and security in the world, must therefore take appropriate measures to ensure Iraq's compliance with the letter and substance of its relevant resolution.

I should be grateful if the articles could be brought to the attention of the members of the Security Council and, with the present letter, be circulated as a document of the Council.

(*Signed*) Mohammad A. ABULHASAN
Permanent Representative
of Kuwait to the United Nations

DOCUMENT S/25466

Letter dated 19 March 1993 from the representative of Germany to the President of the Security Council

[*Original: English*]
[*23 March 1993*]

I have the honour to refer to the letter dated 19 February 1993 from the representative of the "Federal Republic of Yugoslavia" [*S/25318 of 22 February 1993*]. In this letter and the accompanying annexes the Belgrade authorities again accuse Germany of violating the arms embargo against all parts of the former Yugoslavia established under Security Council resolutions 713 (1991) and 724 (1991).

The Federal Government categorically denies such allegations. It meticulously observes the arms embargo imposed by the Security Council. The Federal Government neither ships weapons to the embargo area nor does it tolerate such shipments by others. The Federal Government follows all leads regarding possible violations of the embargo. Persons violating the embargo resolutions face prosecution to the full extent of the law.

I should be grateful if you could have the text of this letter circulated as a document of the Security Council.

(*Signed*) Detlev GRAF ZU RANTZAU
Permanent Representative of
Germany to the United Nations

DOCUMENT S/25468

Letter dated 24 March 1993 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*24 March 1993*]

I have the honour to submit herewith an urgent letter dated 24 March 1993 from the President of the Republic of Croatia, Mr. Franjo Tudjman, addressed to you, in which he requests an emergency meeting of the Security Council, owing to the severe deterioration of the situation in Croatia and the continuation of the aggression against its territory, and in order to take the necessary measures to resolve the situation and prevent further attacks on a State Member of the United Nations.

I should be grateful if you would provide for the distribution of this letter and the attachment as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

LETTER DATED 24 MARCH 1993 FROM THE PRESIDENT OF CROATIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I must regretfully inform you that, during the last few weeks, Serbian rebel forces in Croatia and units of Serbian forces in the Republic of Bosnia and Herzegovina have repeatedly attacked, without any provocation from the Croatian side, several cities and villages in Croatia, thus inflicting numerous civilian casualties and severe material damage. These attacks are aimed at Sibenik, Zadar, Vodice, Biograd, Vinkovci, Zupanja, Djakovo, etc. The aggressor shelled the area of Dubrovnik, including the city itself. We are particularly concerned that, in spite of the local peace agreement that was reached, shelling of the historical city of Dubrovnik has resumed in order to draw neighbouring Montenegro once again into the conflict and to spread hostilities outside of the United Nations Protected Areas (UNPAs) in the Republic of Croatia.

These attacks were confirmed to the Minister of Defence, Gojko Susak, by the Commander of the United Nations Protection Force (UNPROFOR), Lieutenant-General Lars-Eric Wahlgren. At the same time, Minister Susak has assured me that Croatian forces have not responded to the attacks on Dubrovnik by shelling Trebinje, or to attacks on Zadar and Sibenik by shelling Knin and Benkovac, as was reported by Serbian media. On receiving those reports from UNPROFOR, we immediately requested that United Nations military observers investigate them on the spot. The investigation by United Nations officials confirmed that Croatian forces have not shelled any of these towns.

It is unnecessary to emphasize that these aggressive activities are further endangering the process of implementation of the Vance plan at a very sensitive moment when the decision of the Security Council on the extension of the UNPROFOR mandate in Croatia is due. It is absolutely essential that these attacks be stopped immediately, for they will not only undermine the efforts of the United Nations and the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, but could lead to an expansion of the armed conflict to neighbouring regions and destroy completely all the confidence-building measures undertaken to this day.

An illustration of the involvement of the Government at Belgrade in encouraging and actively supporting the rebellion of Serbian forces in the UNPAs and supplying them with manpower and arms can be provided by recent statements of the former "Minister of Defence" of the "Republic of Serbian Krajina", Stojan Spanovic. He confirmed that Slobodan Milosevic has ordered the ethnic cleansing of all non-Serbians in the "Republic of Serbian Krajina", which is being executed by imported paramilitary units from Serbia. There is an ongoing mobilization in the so-called Krajina and an intensified campaign to enlist "volunteers" in Serbia.

Another example of the involvement of Belgrade authorities in the aggressive war against the Republic of Croatia is the capture of 13 soldiers on Croatian territory, near the town of Karlovac, who were recruited by the Yugoslav Army in Serbia. All of them carried identity cards issued in Serbia and declared that they had been mobilized and given weapons to fight on the territory of the Republic of Croatia against Croatian forces. The capture was witnessed by UNPROFOR forces in the Karlovac region.

All this clearly implicates the Belgrade authorities in activities directed against implementation of the Vance plan and relevant resolutions of the Security Council, as well as against efforts of Co-Chairmen Cyrus Vance and Lord David Owen to bring about a peaceful solution to the present crisis.

Acting in accordance with Article 35, paragraph 1, of the Charter of the United Nations and in the light of the continuing aggression directed against the territory of the Republic of Croatia, including the barbaric shelling of Croatian cities, I request an emergency meeting of the Security Council.

(*Signed*) Franjo TUDJMAN
President of the Republic
of Croatia

DOCUMENT S/25469

Draft resolution

[Original: English]
[25 March 1993]

The Security Council,

[Same text as document S/25469/Rev.1, with the exception of the eleventh preambular paragraph.]

Determining that the deterioration of the situation in Liberia constitutes a threat to international peace and security, particularly in West Africa as a whole.

DOCUMENTS S/25470 AND ADD.1

Report of the Secretary-General pursuant to Security Council resolution 807 (1993)

DOCUMENT S/25470

[Original: English]
[25 March 1993]

INTRODUCTION

1. In its resolution 807 (1993) of 19 February 1993, the Security Council decided to extend the mandate of the United Nations Protection Force (UNPROFOR) for an interim period terminating on 31 March 1993. In paragraph 9 of that resolution, the Security Council requested that I submit a report on the further extension of UNPROFOR's mandate.

DISCUSSIONS ON THE MANDATE

2. In my report to the Security Council [*S/25264*], which was the basis for the initial interim extension of UNPROFOR's mandate, I had pointed out that UNPROFOR was facing a number of difficulties in implementing its original mandate pursuant to Security Council resolution 743 (1992) and subsequent relevant resolutions. I, therefore, had asked the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (ICFY) to address these questions urgently with a view to establishing as soon as possible a basis on which I could make a substantive recommendation for an extension of UNPROFOR's mandate.

3. In accordance with paragraph 6 of Security Council resolution 807 (1993), the Co-Chairmen held several rounds of talks in New York and Geneva with representatives of the Government of Croatia and the Serb populations living in the United Nations Protected Areas and the "pink zones". While some progress has been made in these talks, fundamental differences remain between the two sides.

4. It appears, therefore, that more time will be needed in order to bring the negotiations on this issue to a meaningful conclusion. As any termination of UNPROFOR's presence in Croatia would entail the strong likelihood of an outbreak of renewed hostilities, I recommend that UNPROFOR's mandate be extended for a further interim period of three months. At the same time, I urge the parties to cooperate in the implementation of UNPROFOR's existing mandate and to resolve any remaining differences in a spirit of compromise and cooperation. I also have requested the Co-Chairmen of the ICFY to continue their efforts to obtain a renewed commitment by the two sides to the elements of the United Nations peace-keeping plan contained in document S/23280 and to the implementation of Security Council resolution 802 (1993) and other relevant resolutions.

FINANCIAL ASPECTS

5. It will be recalled that, in my report S/25264 of 10 February 1993, I recommended that with effect from the renewal of its mandate, all activities of UNPROFOR in the former Yugoslavia be financed in the normal manner, i.e. by assessments on the peace-keeping scale levied on all Member States. Accordingly, I recommend that as of 1 April 1993 all activities of UNPROFOR be incorporated in the United Nations budget for the period of three months. As requested in paragraph 9 of Security Council resolution 807 (1993), preliminary estimates of the additional costs to the United Nations will appear in an addendum to the present report. I should, of course, add that any changes to UNPROFOR's strength and deployment that may be necessitated by the success of ongoing negotiations in respect of either Croatia or Bosnia and Herzegovina will be brought separately to the Council's attention together with further revised estimates on their financial implications.

DOCUMENT S/25470/ADD.1

[Original: English]
[26 March 1993]

1. In my report of 25 March 1993 to the Security Council [*S/25470*], I indicated in paragraph 5 that the preliminary estimates of the additional costs to the United Nations as of 1 April 1993 for all activities of the United Nations Protection Force (UNPROFOR) would appear in an addendum.

2. By its resolution 47/210 of 22 December 1992, the General Assembly authorized the Secretary-General to enter into commitments for the operation of UNPROFOR, should the Security Council decide to continue the Force beyond 20 February 1993, at a rate not to exceed $47.1 million gross ($46.5 million net) per month for the seven-month period from 21 February 1993 to 20 September 1993. This authorization is subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions.

3. It is estimated that the additional cost associated with the deployment in Macedonia and the protection of humanitarian relief convoys in Bosnia and Herzegovina for the three-month period from 1 April 1993 to 30 June 1993, will amount to some $194.9 million. It is further estimated that the monthly additional cost thereafter will be approximately $40.6 million. A breakdown of the estimated additional cost by main categories of expenditure is provided for information purposes in the annex to the present addendum.

4. The total cost of maintaining UNPROFOR for the period from 1 April 1993 to 30 June 1993 would therefore be $336.2 million.

5. It would be my recommendation to the General Assembly, should the Security Council decide to approve the proposed course of action and renew the mandate of UNPROFOR, that the additional cost relating to all activities of UNPROFOR in the former Yugoslavia should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States be credited to the UNPROFOR Special Account.

ANNEX

Cost estimate of the additional costs to the United Nations for the activities of UNPROFOR

(*Thousands of United States dollars*)

		Objects of expenditure	*1 April to 30 June 1993*
1.	Military component		
	(*a*)	Contingent personnel	44 180
	(*b*)	Other costs pertaining to contingents	35 300
2.	Civilian police monitors		290
3.	Civilian staff[a]		9 130
4.	Premises		33 410
5.	Air operations		2 650
6.	Transport operations		24 310
7.	Communications		17 120
8.	Miscellaneous equipment		19 080
9.	Miscellaneous supplies, services, freight, and support costs		9 480
	Total		194 950

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[a] Provides for 226 international staff and 825 locally recruited staff.

DOCUMENT S/25473

Letter dated 24 March 1993 from the representative of Iraq to the Secretary-General

[*Original: Arabic*]
[*26 March 1993*]

On instructions from my Government, and further to my letter dated 20 March 1993 [*S/25453*], I have the honour to transmit a letter from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, dated 22 March 1993, giving notification of the violation of Iraqi airspace in the northern region by six Iranian military aircraft, which bombed inhabited areas, killing a number of Iraqi Kurdish citizens.

I should be grateful if you would have this letter and the letter of the Minister for Foreign Affairs circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative
of Iraq to the United Nations

LETTER DATED 22 MARCH 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE SECRETARY-GENERAL

On 13 March 1993, six Iranian military aircraft violated Iraqi airspace and bombed inhabited areas of northern Iraq, killing a number of Iraqi Kurdish citizens. One of the sites bombed by the Iranian military aircraft was a hospital. As a result, one hospital in-patient was killed, other in-patients were injured and the hospital was seriously damaged. A number of French volunteers from two French organizations, namely Doctors of the World and International Medical Assistance, were among the eyewitnesses to the Iranian air raids.

The Iranian military aircraft carried out their attack on northern Iraq in the no-fly zone imposed on Iraq by the United States, Britain and France since 27 June 1991.

The attack by the Iranian military aircraft on northern Iraq and the killing of a number of Iraqi Kurdish citizens provide fresh evidence of the serious dangers threatening Iraq's independence and territorial integrity. Furthermore, having been preceded by a series of hostile acts, this Iranian attack was not the first and will not be the last. While the Iranian regime is frantically arming itself to the point where it now possesses an extremely large arsenal of conventional and unconventional weapons, the policy of harassing Iraq, interfering in its internal affairs and imposing the so-called Iraqi air exclusion zone in northern and southern Iraq still continues. This policy imposed on Iraq, which is damaging to stability and security in the region, has encouraged Iran to carry out hostile military acts against Iraq.

The Iranian danger to the security and territorial integrity of Iraq and the safety of its people is constantly escalating and warrants serious concern. We therefore ask you to adopt a forthright position in support of Iraq's request for revocation of the measures taken by the Governments of the United States, Britain and France imposing the air exclusion zones in northern and southern Iraq. To revoke those measures is the only way to preserve the integrity and security of Iraq and the safety of its people. It will also contribute to stability and the normalization of security in the region, particularly since all the allegations used as a basis for imposing such measures on Iraq have been unequivocally proven to be groundless and devoid of truth.

We should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of Iraq

DOCUMENT S/25474*

Letter dated 25 March 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[*Original: English*]
[*26 March 1993*]

I have the honour to transmit to you the attached statement dated 25 March 1993 by Mr. Alija Izetbegović, President of the Presidency of the Republic of Bosnia and Herzegovina, on behalf of the delegation representing the Government of the Republic of Bosnia and Herzegovina to the International Conference on the Former Yugoslavia.

May I ask for your kind assistance in circulating the present letter and the attached statement as a document of the General Assembly and of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

TEXT OF THE STATEMENT

By signing the Vance-Owen peace plan for the Republic of Bosnia and Herzegovina (the nine principles, the military agreement, the maps of the proposed provinces and the document on the interim period) the State delegation of the Republic of Bosnia and Herzegovina states the following:

1. Regardless of whether or not all parties will sign the documents today, the delegation of Bosnia and Herzegovina considers that the international community was and will remain obligated to protect the independence and the territorial integrity of Bosnia and Herzegovina as a country that has been attacked, in accordance with the Charter of the United Nations, international law, decisions of the London Conference and especially according to all relevant resolutions of the Security Council concerning the aggression against Bosnia and Herzegovina.

2. Our signatures on the proposed documents will become invalid and will be considered null and void if the following conditions develop:

(*a*) All interested parties, especially the aggressor side, do not sign the documents without any alterations or reservations within a reasonable time- frame;

(*b*) The international community does not undertake, in a timely fashion, the effective measures of implementation of the signed agreement to the degree and in the manner imposed by the situation;

(*c*) The aggression continues.

3. Any provisions of the signed documents cannot be interpreted and not be understood as diminishing the integrity and sovereignty of the Republic of Bosnia and Herzegovina as an independent and undivided whole State. On the contrary, the signed agreement must be understood and can only be interpreted as the means and way to protect and strengthen that integrity.

4. It is understood that individuals declared as war criminals, or for whom there is a grounded suspicion that they were instigators or organizers or executors of war crimes on the territory of Bosnia and Herzegovina, will not and cannot be nominated for the highest positions of authority of the State, both in the Interim Presidency and Interim Government.

5. The delegation of the Government of the Republic of Bosnia and Herzegovina asks the international community and the Security Council to continue with the intention of successfully completing the establishment of the court for war crimes committed on the territory of Bosnia and Herzegovina and the former Yugoslavia.

6. Upon the signing of today's documents, the delegation of Bosnia and Herzegovina expresses the hope that the aggression and its consequences will be stopped and reversed by peaceful means, but at the same time the delegation will not surrender its legitimate right to self defense in accordance with Article 51 of the Charter

In this regard, if the peace efforts remain without results, the Presidency and the Government will undertake all necessary measures to defend its people, and in that case, expect the Security Council without further delay to lift the arms embargo on Bosnia and Herzegovina.

7. The delegation of Bosnia and Herzegovina expresses its appreciation to the United States of America and to its special envoy to these talks, Ambassador Reginald Bartholomew, for the constructive contributions in overcoming the difficulties which arose during the course of these talks.

8. We are issuing this statement concurrently with the signing of today's documents and are handing it over to the International Conference on the Former Yugoslavia with the request that it be included and attached to the official documents of the Conference.

Delegation for the Government
of the Republic of Bosnia and
Herzegovina

Alija Izetbegovic
President of the Presidency
of the Republic of Bosnia and
Herzegovina

DOCUMENT S/25475

Letter dated 25 March 1993 from the representative of Turkey to the President of the Security Council

[*Original: English*]
[*26 March 1993*]

In my capacity as the representative of the country currently chairing the Islamic Conference of Foreign Ministers, I have the honour to inform you that the Committee on Palestine of the Organization of the Islamic Conference met in New York on 23 March 1993 to consider the situation in the occupied Palestinian territory, including Jerusalem.

During the meeting the members of the Committee expressed their deep concern over the current escalation of repressive measures and practices by the Israeli authorities as well as over the deteriorating economic situation and living conditions in the occupied territories.

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*Circulated under the double symbol A/47/913-S/25474

The members of the Committee affirmed the applicability of the fourth Geneva Convention of 1949[1] to the occupied Palestinian territories, including Jerusalem, and reiterated the obligation of the Israeli Government to abide by the provisions of the said Convention. The members of the Committee, while underlining the need to provide urgent protection for the Palestinian people as set forth in Security Council resolution 681 (1990), gave their full support to the initiative taken by the Chairman of the Group of Arab States in requesting the Security Council to meet in order to consider the serious situation in the occupied Palestinian territories, including Jerusalem.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Tahsin BURCUOGLU
Chargé d'affaires a.i.
of the Permanent Mission of
Turkey to the United Nations

DOCUMENT S/25476

Letter dated 26 March 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[*Original: Spanish*]
[*26 March 1993*]

We have the honour to bring to your attention the text of the statement on Bosnia and Herzegovina adopted by the European Community and its member States at Brussels on 26 March 1993.

We should be most grateful if you would have the text of this letter and the statement circulated as a document of the Security Council.

(*Signed*)	(*Signed*)	(*Signed*)
Antonio PEDAUYE *Chargé d'affaires a.i.* *Permanent Mission of Spain to the United Nations*	Jean-Bernard MERIMEE *Permanent Representative of France to the United Nations*	Sir David HANNAY, KCMG *Permanent Representative of the United Kingdom to the United Nations*

TEXT OF THE STATEMENT

[*Original: English/French*]

The European Community and its member States warmly commend the decision of the Bosnian Government to sign the Vance-Owen peace plan. They reiterate their unequivocal support for the plan and pay tribute to the valuable efforts of the two co-Chairmen.

They also welcome the agreement between the Muslim and Croat parties on the interim arrangements which form an important part of the peace package.

They hope the Security Council of the United Nations will endorse the Vance-Owen peace plan, and they express their readiness to contribute substantially to its implementation.

The Community and its member States demand that the Serb side now accept the plan in its entirety and cooperate fully in all aspects of its implementation. The Serbs must stop all aggressions at once, preparing the way for the cessation of hostilities by all sides.

If the Bosnian Serbs refuse to accept the plan now, full international pressure will be brought to bear on them. The Community and its member States will continue strengthening sanctions and will consider further measures leading to the total isolation of Serbia-Montenegro.

DOCUMENT S/25479

Report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia: peace talks on Bosnia and Herzegovina

[*Original: English*]
[*26 March 1993*]

INTRODUCTION

1. The present report refers only to the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia regarding Bosnia and Herzegovina, without entering into other questions under the purview of the Conference.

2. The Co-Chairmen, Cyrus Vance and Lord Owen, have deployed their best endeavours for seven months to bring peace, with justice and respect for human rights, to Bosnia and Herzegovina. They and their colleagues have laboured night and day to help the parties to the conflict reach an honourable and durable settlement. In my earlier reports to the Security Council, I have provided extensive information on the detailed efforts of the Co-Chairmen.

3. In my last report, of 12 March 1993 [*S/25403*], I noted that the recent efforts of the Co-Chairmen centred on the following elements of the peace package: first, building on the constitutional principles for Bosnia and Herzegovina; second, settling the boundaries of provinces in the areas where agreement has not yet been forthcoming from the Government and the Bosnian Serb sides; third, advancing towards implementation of the military agreement; and, fourth, promoting agreement among the three Bosnian sides on arrangements for the governance of the country in the interim period between the signing of a peace settlement and the holding of elections under a new Constitution. The Co-Chairmen have consistently sought to advance agreement on the package as a whole because they consider that partial solutions are likely to be exploited for partisan advantages. Only a comprehensive approach can lead to lasting peace.

4. Since the issuance of my last report, the Co-Chairmen have held another round of peace talks with the three sides to the conflict. The latest round lasted from 16 to 25 March 1993. The efforts of the Co-Chairmen, and the positions of the three sides, are set out below.

I. INTERIM ARRANGEMENTS

5. In all the meetings that the Co-Chairmen have had with the Bosnian Government side, as well as in meetings with the Bosnian Serbs, over the last few months, a fundamental difference constantly emerged over issues of legitimacy of the State of Bosnia and Herzegovina. The Government side insists that since Bosnia and Herzegovina is an independent, sovereign State recognized as such by the United Nations, the existing constitutional order, government and governmental institutions should all be preserved and endorsed in any peace settlement by all the parties. The Bosnian Serb side's view is that a civil war is raging because of the circumstances surrounding the creation of Bosnia and Herzegovina. They were adamant that they cannot rejoin the existing system which, they considered, brought on the war and was the reason for their withdrawing from the Assembly, the Government and the Presidency and for persuading Bosnian Serbs to boycott the referendum. In the view of the Co-Chairmen the only way a settlement could be reached would be for all sides to concentrate on agreeing on specific arrangements for the interim period.

6. In an effort to deal with these fundamental points, the Co-Chairmen arranged meetings during the preceding round of the talks between the Bosnian Government side and the Bosnian Croat side in order to promote agreement. Those meetings led to the signature, on 3 March 1993, of an agreement on interim governmental arrangements between the Bosnian Government and the Bosnian Croat sides. The relevant points of that agreement, and the related discussions on interim governmental arrangements, were summarized in my previous report to the Security Council [*S/25403, paras. 29-35*].

7. During the latest round of the peace talks, the Co-Chairmen arranged meetings between the Bosnian Serb side and the Bosnian Croat side in an attempt to agree on provisions for the interim governmental arrangements. Meetings for this purpose were also arranged again between the Bosnian Government side and the Bosnian Croat side.

8. In the light of the views expressed, the Co-Chairmen arranged a further meeting between the Bosnian Government side and the Bosnian Croat side on 24 March 1993 to discuss a working paper on interim governmental arrangements. After five hours of meeting, the two sides reached agreement, which they signed on 25 March 1993 (annex I). As part of that agreement, they also signed, on the same occasion, a revised map of provincial boundaries (annex III).

9. On 25 March 1993, when President Izetbegovic signed the agreement on interim arrangements and the provincial map, he made a declaration which is reproduced in full in annex V below.

II. SARAJEVO

10. As regards arrangements for the governance of Sarajevo, it emerged in discussions that a way forward might be to increase the size of the proposed Sarajevo province making it less dominated by the city and therefore more like that of the other nine provinces. Both the Bosnian Government and the Bosnian Croats felt that in addition to the inclusion of most of the *opstina* of Kiseljak and that of Kresevo, as in the original map, the inclusion of the whole *opstinas* of Visoko, Breza and Vares and a small border area of Kakanj would make for a better-balanced province. They believed also that within Sarajevo province there was a case for defining a capital city district which would continue to allow for an open and undivided city as previously proposed by the Co-Chairmen, but which was somewhat larger than the capital *opstina* that was referred to in my previous report to the Security Council [*S/25403, para. 26*]. Both sides believed that in such a case Sarajevo province should be governed during the interim under the same proportional formula which it had been suggested should apply to the other nine provinces. Sarajevo city itself would be governed by an Interim Executive Mayor and Interim Executive Board, under the nominal supervision of the Presidency. These ideas for Sarajevo were discussed with the Bosnian Serbs and then in detail with the Bosnian Croats together with the Bosnian Government, who both accepted them and expressed their readiness, on that basis, to sign a revised map (annex III).

11. The positions of the three sides on other issues are outlined below.

III. THE BOSNIAN GOVERNMENT

12. The Bosnian Government side, led by President Alija Izetbegovic, met the Co-Chairmen in New York on 18 March 1993. The main subject of discussion was the need for the Assembly that had been suspended since the war and whose powers had been assumed by the Presidency to be reactivated during the interim period. The Co-Chairmen pointed out that neither the Bosnian Croats nor the Bosnian Serbs had been prepared to accept that the Assembly should have any role in the interim period.

13. On 19 March 1993, the Co-Chairmen had a further discussion about the interim Presidency and its relation to the Government. The Co-Chairmen explained that in a decentralized state a number of the existing Ministries and Ministerial functions would no longer be necessary, and a smaller list of Ministries was discussed. That list was then subsequently discussed separately, and together, with the Bosnian Croats and Bosnian Serbs. The outcome of these discussions was the agreement on interim arrangements mentioned earlier (annex I).

IV. THE BOSNIAN SERBS

14. The Bosnian Serb side, which remained involved in the talks regarding the interim governmental agreement and the revised map of provincial boundaries, was invited to sign them at a plenary session of the talks held on 25 March, but declined to do so. It stated, however, that it would refer these documents to its assembly for its consideration and decision. The Co-Chairmen encouraged it to do so and to act promptly.

15. The Bosnian Serb side asserts that it wishes for peace and claims that it is being forced to fight because of specific attacks by Bosnian Government forces, whether in Sarajevo or eastern Bosnia. At the current round of the peace talks it proposed to the Co-Chairmen that all three sides should agree on an end to the war and that, for its part, it would state publicly that the status quo would not prejudice the final territorial settlement. The Co-Chairmen felt, in the light of the situation on the ground, that there was no point in pursuing hollow declarations and that there was no escaping the need for withdrawal of the Bosnian Serb armed forces from those parts of the territory of Bosnia and Herzegovina which they at present claimed for themselves and which lay outside the three provinces in the map in which the Serbs could expect to be the majority in the provincial government. For similar reasons the Co-Chairmen rejected the Bosnian Serb suggestion that United Nations forces should be invited into the territory which they at present occupy outside these provinces but from which they would withdraw their forces. The Co-Chairmen noted that the territories involved would, under the proposal, remain under the administration and control of the Bosnian Serbs, with Serb police remaining.

16. With regard to the governance of Sarajevo, the Bosnian Serb side's initial position was that it should be governed by Muslims and Serbs on a 50-50 basis but that they would accept a capital *opstina* governed on a 3:3:3 basis. They expressed some interest in the idea put forward by the Co-Chairmen that the Boundary Commission should be asked to consider future arrangements in Sarajevo. They also expressed interest in the idea of a capital city concept for an inner part of Sarajevo to be governed by an Executive Mayor and an Executive Board.

17. The Bosnian Serb side openly admitted to the Co-Chairmen that as far as they were concerned the independent State of Bosnia and Herzegovina has never existed and does not exist. It did not disguise the fact that it considers that it is being forced by the international community to live within Bosnia and Herzegovina against its wishes. That being the case, it wished to retain as much of its present "Republika Srpska" as possible and to restrict the functions of the central governmental institutions of Bosnia and Herzegovina to a minimum. Notwithstanding the fact that it signed the nine constitutional principles on 30 January 1993, it continues to argue for Bosnia and Herzegovina to be divided into what would effectively be three separate states. It takes the view that the constitutional principles are relevant only to the drafting of a new constitution and are not applicable for the interim period. Its position, for all practical purposes, amounts to a strategy of continuing its "Republika Srpska" by merging the three provinces in which it would have a majority and which it continues to argue should be contiguous on the map and linked in all aspects of government.

18. In discussing with the Co-Chairmen the laws to be applied in the interim in the three provinces where there is a Serb majority, the

Bosnian Serb side insisted on the continuation of what it said were the over 700 acts of legislation adopted by its "Republika Srpska". The Co-Chairmen arranged for their legal advisers to meet to examine this legislation in more detail. Since it is envisaged that there would be freedom for different provincial legislation, provided it was not incompatible with the constitution of Bosnia and Herzegovina, some different legislation in these three provinces might be acceptable in the interim provided it did not conflict with the legislation necessary for Bosnia and Herzegovina as a whole in the interim.

19. As to the structure of central government for the interim, the Bosnian Serbs said they were not prepared to accept the case for an Interim President to be Head of State or the need for a Presidency, or even for any form of interim central government. They argued, instead, for a central coordinating body which would have as few functions as possible, involving coordination among the three peoples' interim constituent structures. They were not even prepared to envisage an interim Ministry or Minister for Foreign Affairs. The Co-Chairmen said that such a position was totally incompatible with the constitutional principles which they had signed and would have the effect of convincing any fair-minded person that they had no intention of living within the single state of Bosnia and Herzegovina, not just for the interim, but would obstruct negotiations for a final Constitution compatible with the agreed principles.

20. The Bosnian Serb side did, however, express support for the idea of the Co-Chairmen - which has been endorsed by the other two sides - that an international human rights monitoring mission should be established in Bosnia and Herzegovina with open access to all provinces. The Bosnian Serbs were not convinced of the case for establishing ombudsmen at the national level and considered that each of the three sides should appoint four ombudsmen for each of the sides' constituent structures. Also, they believed that any human rights court should operate similarly in the three peoples' constituent structures. The Co-Chairmen made it clear that the provinces were separate constitutional entities with their own separate provincial constitutions and parliaments, which could not be merged into one Parliament.

21. It was clear to the Co-Chairmen that the position of the Bosnian Serbs had hardened appreciably since the Geneva round of negotiations in January on many of the political aspects of an overall settlement.

V. THE BOSNIAN CROATS

22. The Bosnian Croat side has signed all the elements of the peace package put forward by the Co-Chairmen: the constitutional principles, the map of provincial boundaries, the military agreement, and the interim arrangements.

23. As it has done in earlier rounds of the peace talks, the Bosnian Croat side, led by Mr. Mate Boban and including Bosnia and Herzegovina Prime Minister, Mile Akmadzic, continued to support the peace package and to urge the other two sides to sign the comprehensive peace package, so that implementation could begin as soon as possible and the war be brought to an end.

24. With regard to the suggestion by the Bosnian Government delegation that the existing Parliament should be reconvened, the Bosnian Croat delegation refused because it maintained that the Parliament had been an extremely divisive institution which had, in its view, been one of the principal causes for the outbreak of the conflict. They also maintained that the three constituent peoples represented in the interim Presidency had to be in overall control, though the main executive functions could be carried out by the Interim Government, albeit with many of its functions removed in view of the increased powers to be exercised by the provinces during the interim.

VI. ASSESSMENT

25. The Co-Chairmen considered that the interim arrangements paper (annex I) should now form part of the package alongside the constitutional principles (annex II), the map (annex III) and the military agreement (annex IV) and put this package for final signature to the three sides at a plenary meeting held on 25 March 1993 as representing a fair compromise among complex and conflicting demands.

26. At the final plenary meeting of this round of the peace talks, on 25 March, the Co-Chairmen urged all three sides to build upon the work that had been done and upon the progress made so as to put an end to the conflict, to bring relief to its innocent victims, and to set the country on a new course. The Co-Chairmen particularly urged all three sides to exercise maximum restraint and to do everything possible to ensure respect for the norms of international humanitarian law.

27. In these circumstances, the Co-Chairmen have concluded that the responsible course of action is for them to recommend that any enforcement action of the no-fly zone, or toughening of sanctions, or the placing of United Nations military observers around the border of Bosnia and Herzegovina, in Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), should now be accompanied by the Security Council's unqualified endorsement of the peace package (annexes I-IV).

28. I recommend the early establishment of an International Human Rights Monitoring Mission as described in my previous report [*S/25403*], which all three sides have expressly accepted. Pursuant to the recommendation of the Co-Chairmen, discussions are continuing to develop an implementation peace-keeping plan that could, when all three sides have signed the whole package, be endorsed by the Security Council. Furthermore, the Co-Chairmen recommend the establishment of the Boundary Commission mentioned in my previous report.

VII. CONCLUDING OBSERVATIONS

29. The moment has arrived for the international community to come to grips with the process that has been conducted by the Co-Chairmen and with the results obtained. After seven months of the most intensive negotiations, 10 out of the 12 signatures required have been obtained. Only one side - the Bosnian Serbs - now lags behind in signature of the provincial map and the agreement on interim arrangements.

30. The Co-Chairmen's peace package provides the only mechanism available for the re-establishment of peace, with justice and respect for human rights, in Bosnia and Herzegovina. Final agreement on the peace plan, and its rapid and robust implementation, offer the best prospect for improving the situation in Bosnia and Herzegovina. I strongly urge the Security Council to approve the whole peace package and to call upon the Bosnian Serbs to sign the remaining two parts so that attention may be concentrated henceforth on the implementation of the plan.

ANNEX I

Agreement on interim arrangements

A. INTERIM PRESIDENCY AND INTERIM CENTRAL GOVERNMENT

1. During the interim period between the conclusion of the peace package and the holding of elections under a new Constitution, the Republic of Bosnia and Herzegovina, as well as its provinces, shall be governed under the prevailing legal system and in accordance with the letter and spirit of the constitutional principles agreed and signed by the parties. During this period, in the direct aftermath of hostilities, when a consensus amongst the three constituent peoples is the only acceptable basis for reaching any fundamental decisions, the Interim Presidency and Interim Government shall function on a coalition basis. This arrangement shall not prejudge the provisions to be negotiated for the new Constitution, under which the role of the Presidency and the Government chosen from a democratically elected Parliament is expected to be different and will reflect more accurately the will of the people [*S/24795, paras. 52-55 and annex VII, sect. IV.A*]. Even so, under the constitutional principles the Presidency will be bound to have an important role to safeguard the rights of the constituent peoples.

2 During the interim period there shall be a nine-member Interim Presidency, with three representatives from each of the three constituent peoples The Interim Presidency is to be the highest authority of the State but will not be involved in the day to day details of government

3 The nine members of the Interim Presidency shall designate one member to serve as President of the Presidency The President shall perform the role of head of state The position of President shall rotate every six months among the three constituent peoples in accordance with the sequence of rotation Muslim, Croat, Serb

4 The Interim Presidency shall take its decisions by consensus of nine, or by a qualified majority of seven, or by a simple majority of five, depending on whether the decision relates to a constitutional principle, to a specially important question, or to normal business of the Presidency If the members of the Interim Presidency are unable to agree on the applicable majority, they shall consult the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (the "Co-Chairmen") whose decision shall be binding

5 The Interim Presidency shall appoint a Prime Minister and the following eight Ministers

(*a*) Minister of Foreign Affairs,

(*b*) Minister of Finance, with responsibility also for Customs and Excise Duties,

(*c*) Minister of Justice and Citizenship,

(*d*) Minister of International Commerce,

(*e*) Minister of Communications and Transport,

(*f*) Minister for Refugee Affairs,

(*g*) Minister for Reconstruction,

(*h*) Minister for Environmental Protection

6 Of these nine Ministers, for the interim period three each shall be members of each of the three constituent peoples This arrangement does not set a precedent for the final Constitution to be negotiated, whereunder the Government will be formed following elections and will reflect the view of the electorate The Prime Minister may not be a member of the same constituent people as the President of the Presidency, the term of office of the Prime Minister shall coincide with that of the President The Presidency shall also appoint Deputy Ministers, Under-Secretaries and other senior officials in the proportion 4 3 2 No member of the Presidency shall simultaneously serve as a Minister in the Government Decisions on appointments or dismissals shall require a majority of seven members of the Interim Presidency

7 The Interim Presidency shall also be responsible for determining the role of such ministries as are deemed appropriate, and for establishing the functions and governance of any necessary independent agencies - such as the International Access Authority (see section I below), a National Power Authority, the National Bank, a National Civil Aviation Authority, and a National Post, Telegraph and Telephone Authority - and other aspects of government The Presidency shall be responsible for setting policy guidelines and overseeing the work of the Interim Central Government and any other agencies which it might establish, all of which shall be answerable to it

8 The principal responsibilities of the Interim Presidency and the Interim Central Government shall be

(*a*) Preparations for the holding of free and fair elections, on the basis of the new Constitution, under international supervision,

(*b*) Ensuring respect for human rights, in cooperation with the International Human Rights Monitoring Mission (para 3 of section H below),

(*c*) Relations with the International Conference on the Former Yugoslavia (ICFY), the Mixed Military Working Group, the United Nations Protection Force (UNPROFOR) (including the United Nations Civilian Police (UNCIVPOL)), and the European Community Monitoring Mission (ECMM),

(*d*) Coordination with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the World Health Organization (WHO) and other relevant agencies on the return and rehabilitation of refugees and displaced persons,

(*e*) Foreign affairs (including membership in international organizations),

(*f*) International commerce,

(*g*) Citizenship,

(*h*) In respect of the provincial police

(i) Providing coordination,

(ii) Assisting in technical functions (e g crime laboratories),

(iii) Coordinating with international and foreign police authorities,

(*i*) Raising of any taxes required to carry out its functions

B BOUNDARY COMMISSION

A Boundary Commission shall be set up by the Secretary-General in consultation with the Co-Chairmen The Commission shall receive and, if necessary, hear evidence from those affected by the proposed provisional provincial boundaries and advise on the demarcation of the provinces to be specified in the new Constitution The Commission shall consist of five persons one each to be recommended by the three parties and two, one of whom shall be the Chairman, to be recommended by the Co-Chairmen The Commission shall use as its basic document the provisional provincial map (appendix A) It shall be empowered to consider only marginal changes to the provisional boundaries The decisions of the Commission shall be adopted by consensus

C SARAJEVO

1 The capital city of Sarajevo will remain within the enlarged Sarajevo Province and its citizens will be represented in the governing of the province The concept of an undivided, open capital city being run by its citizens but with an overall responsibility to the whole country is one that is well understood The capital city will consist of the build-up areas of parts of the *opstinas* Novi Grad, Centar Sarajevo, Novo Sarajevo and Stari Grad The provisional boundaries are as specified in appendix B but they will be referred to the Boundary Commission for review and any agreed changes will be introduced prior to implementing the new Constitution

2 There shall be an independent Interim Executive Mayor and an Interim Executive Board to be nominated by the parties on the basis of the composition of the population of the capital city in the 1991 census, provided that none of the three constituent peoples and others are left unrepresented The capital city shall be governed under the overall responsibility of the Presidency, but the Presidency shall not interfere with day-to-day management of the capital city The Presidency shall be responsible for the quality and character of the capital city There can be no changes in the Constitution of the capital city or its boundaries without the agreement of the Presidency Within the capital city important religious buildings shall be considered as inviolable to the same extent as embassies

3 Under the new Constitution, the citizens of the capital city will be represented in the Lower House and Upper House on the same basis as other citizens of Bosnia and Herzegovina in Sarajevo Province

D INTERIM PROVINCIAL GOVERNMENTS

1 During the interim period, each province shall have an Interim Provincial Government composed of a Governor, a Vice-Governor, and ten other members, all of whom are to be nominated by the parties, with any representation of others to be decided by the Interim Presidency, on the basis of the composition of the population of the province (based on the results of the 1991 census), provided that none of the three constituent peoples may be left unrepresented in any province and that the Governor shall be a member of the most numerous constituent people and the Vice-Governor of the second most numerous The Interim Presidency shall oversee the establishment of the Interim Provincial Governments

2 Decisions of the Interim Provincial Governments shall normally be taken by a simple majority, except that the adoption of the Provincial Constitution and the setting of *opstina* boundaries shall require a consensus

3 The principal responsibilities of the Interim Provincial Governments shall be

(*a*) The drafting of the Provincial Constitutions, which must be in accord with the new Constitution of Bosnia and Herzegovina,

(*b*) Ensuring respect for human rights, in cooperation with the International Human Rights Monitoring Mission,

(*c*) Preparation for the holding of free and fair elections to be held, as soon as possible, under the new Constitution of Bosnia and Herzegovina and the applicable Provincial Constitution, on the basis of proportional representation and under international supervision,

(*d*) Relations with the Mixed Military Working Group, UNPROFOR (including UNCIVPOL), ECMM and ICFY,

(*e*) Coordination with UNHCR, ICRC, WHO and other relevant agencies on the return and rehabilitation of refugees and displaced persons,

(*f*) Supervision of the provincial police forces,

(*g*) Restoration of infrastructure,

(*h*) Raising of any taxes necessary to carry out their functions

4 Attached to the staff of each provincial Governor there will be UNPROFOR Military Liaison Officers, as well as an UNCIVPOL Liaison Officer, to assist in the carrying out of the above tasks

5 The legal system of each province during the interim period shall be that now prevailing in its territory, provided that no legal provision at the provincial level may be in conflict with the Interim Arrangements specified herein

6 Similarly, the present powers of the *opstinas* shall continue, as shall their boundaries, except as required to conform to the provisional provincial boundaries set out in appendix A or when changed by a consensus decision of the Interim Provincial Government

E. WITHDRAWAL OF FORCES

Sarajevo Province shall be immediately demilitarized. All Serb forces shall withdraw into Provinces 2, 4 and 6, HVO [*Croatian Defence Council*] forces into Province 3, Bosnian Army forces into Province 1. Both Bosnian Army and HVO forces shall be deployed in Provinces 5, 8, 9 and 10 under arrangements agreed between them. The process of demilitarization shall apply to all forces in all these nine provinces, and shall be carried out under the supervision of UNPROFOR and in accordance with the detailed arrangements and timetables in the Agreement for peace in Bosnia and Herzegovina, or as negotiated in the Mixed Military Working Group.

F. INTERNATIONAL BORDERS

International border crossing points initially are to be controlled by UNPROFOR. The question of policing the borders shall be further discussed in the context of the new Constitution. The Interim Presidency and the Interim Central Government, through the Ministry of Finance, shall be responsible for customs and excise arrangements, and shall have the normal powers to stop, search, detain and bring prosecutions to enforce these arrangements.

G. POLICE FORCES

During the interim period, all police forces shall conform to the proposals made by the Co-Chairmen in respect of the constitutional structure [*ibid., annex VII, sect. V.B*]. Therefore, all uniformed police shall be controlled by the Interim Provincial Governments or by local authorities under them, and shall reflect the proportions of the constituent peoples in the respective provinces. At the national level there shall be no uniformed, armed police, but only a coordinating office in the Ministry of Justice to assist the provincial police authorities and to maintain contacts with international and foreign police authorities (e.g., Interpol).

H. PROTECTION OF HUMAN RIGHTS AND THE REVERSAL OF "ETHNIC CLEANSING"

1. During the interim period all persons in Bosnia and Herzegovina shall be entitled to all rights provided for in the existing Constitution and in applicable legislation in force, as well as to all rights provided for in specified international instruments on human rights (set out in appendix C). To the extent that there are any discrepancies, the provision providing the greater protection of human rights shall be applied. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as wholly null and void.

2. The implementation of the above-mentioned human rights shall be ensured through:

(*a*) The national and provincial courts of Bosnia and Herzegovina, to which all persons shall have unimpeded access;

(*b*) An Interim Human Rights Court for Bosnia and Herzegovina, to be established immediately along the lines of that proposed by the Co-Chairmen for inclusion in the new Constitution [*ibid., sect. VI.B.3*];

(*c*) The immediate appointment of four Ombudsmen, supported by adequate staff and facilities [*ibid., sect. VI.B.2*].

3. In addition, there shall be an International Human Rights Monitoring Mission, to be established by the Secretary-General and to be headed by an Interim Human Rights Commissioner for Bosnia and Herzegovina, to be based in Sarajevo. Deputy Commissioners are to be based in various parts of the country. The Commissioner is to be supported by international human rights monitors, deployed throughout the country and particularly in areas affected by "ethnic cleansing". They shall be permitted to observe the situation of human rights throughout Bosnia and Herzegovina, in order to provide protection in urgent cases they shall be allowed to intercede with the Interim Presidency, the Interim Central Government and the Interim Provincial Governments, and with UNPROFOR; they may refer issues to the Ombudsmen and to other human rights agencies as needed, and are to work closely with UNHCR, ICRC and other humanitarian agencies. The Commissioner is expected to submit regular reports to the Secretary-General who is to report periodically to the Security Council and to other international bodies, including the United Nations Commission on Human Rights and its Special Rapporteur.

4. The Interim Presidency, the Interim Central Government and the Interim Provincial Governments shall be required to make certain that all authorities give the fullest access, in respect of all relevant persons and places, to the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors, as well as to UNHCR, ICRC and other international humanitarian organizations.

5. It is understood that as part of the UNPROFOR deployment in Bosnia and Herzegovina there will be a large UNCIVPOL element whose principal task would be to monitor the police of the provinces so that each has an appropriately balanced ethnic composition (section G above), does not oppress members of minority ethnic groups, contributes positively to the reversal of "ethnic cleansing" by protecting persons returning after having been forced to flee, carries out the judgements of courts, in particular the Human Rights Court (para. 2 b of section H above), and assists the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors (para. 3 of section H above).

I. INTERNATIONAL ACCESS AUTHORITY

1. Principle No. 3 of the agreed constitutional principles states that "full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways". In order to implement this Principle, the Interim Presidency shall establish an International Access Authority:

(*a*) To have sole responsibility for all railway lines in Bosnia and Herzegovina;

(*b*) To have responsibility, in cooperation with UNPROFOR, for those roads which are declared to be internationally controlled throughways, as specified in appendix D;

(*c*) To regulate the operation of port facilities on the river Sava.

2. The essential purpose of the International Access Authority will be to guarantee full freedom of movement between and within the provinces and also to and from the provinces to the Republic of Croatia and to the Republic of Serbia. It is intended that the Authority will be in operation as soon as possible during the interim period. Following the conclusion of the peace package, all designated throughways shall come under the responsibility of UNPROFOR, thereafter there will be a period of overlapping responsibility of UNPROFOR and the Authority, during which UNPROFOR's involvement will be phased out and its responsibilities assumed by traffic police employed by the Authority. This transfer of responsibility requires the agreement of all members of the Authority.

3. The Interim Presidency and each of the Interim Provincial Governments shall appoint one representative to the Interim Access Authority.

4. The Authority shall have its headquarters in Sarajevo.

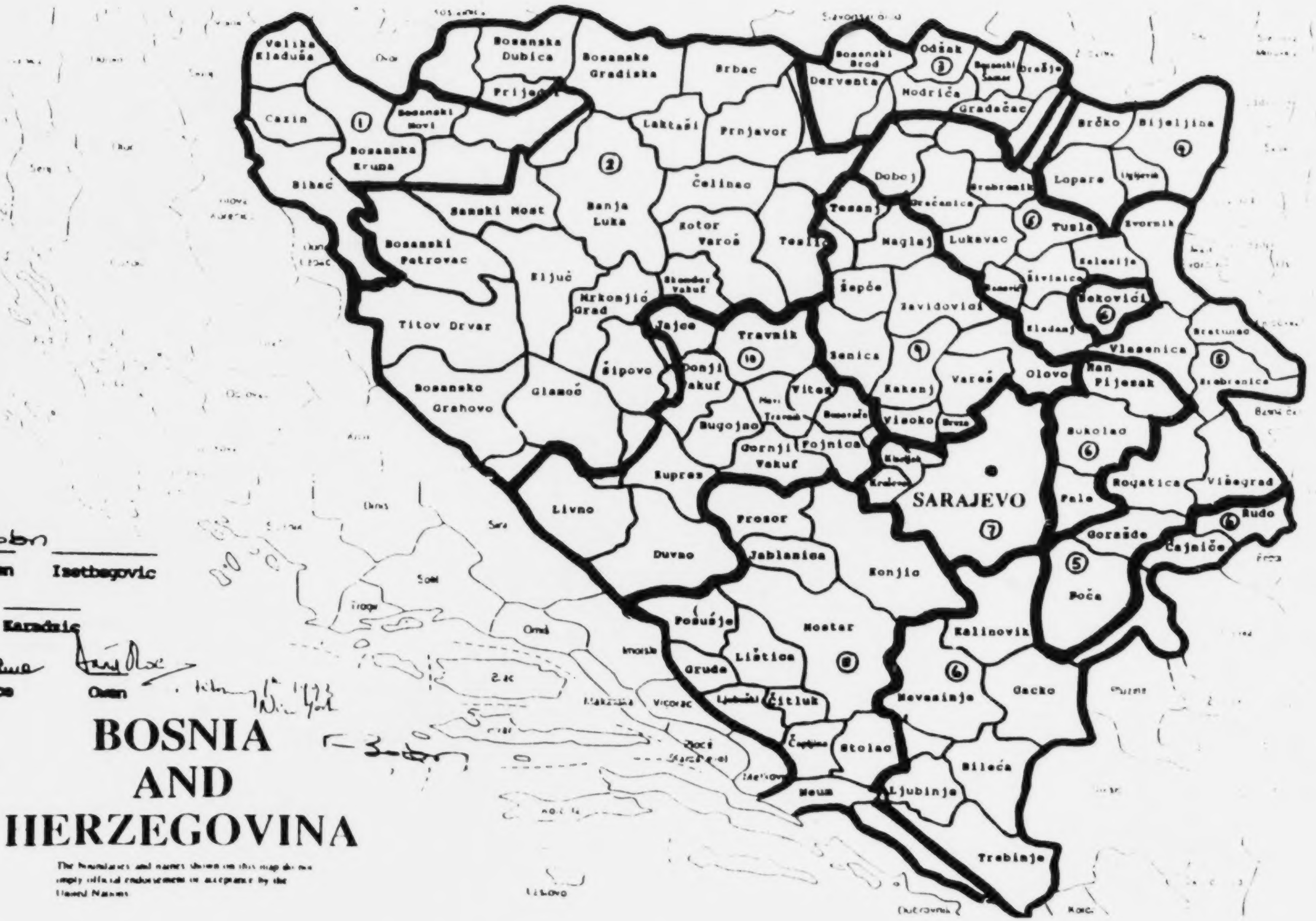
This Agreement shall enter into force on signature by all three parties and the adoption by the Security Council of a resolution providing for implementation of the peace package.

(*Signed*) A. IZETBEGOVIC R. KARADZIC (*Signed*) M. BOBAN

Witnessed by

(*Signed*) C. R. VANCE (*Signed*) D. OWEN

New York, 25th day of March 1993


Velika Kladuša
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Bosanski Petrovac
Titov Drvar
Bosansko Grahovo
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Zavidovići
Travnik
⑩
Donji Vakuf
Novi Travnik
Vitez
Busovača
Bugojno
Gornji Vakuf
Fojnica
Kupres
Senica
Kakanj
⑨
Vareš
Visoko
Breza
Kiseljak
Kreševo
Olovo
Vlasenica
Han Pijesak
Bratunac
Srebrenica
Sokolac
Rogatica
Višegrad
Pale
SARAJEVO
⑦
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Duvno
Prozor
Jablanica
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Grude
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Čapljina
Stolac
Neum
Kalinovik
Nevesinje
Gacko
Ljubinje
Bileća
Trebinje
Dubrovnik
Split
Sinj
Trogir
Omiš
Makarska
Imotski
Vrgorac
Ploče
Zadar
Knin

-Boban

Boban Izetbegovic

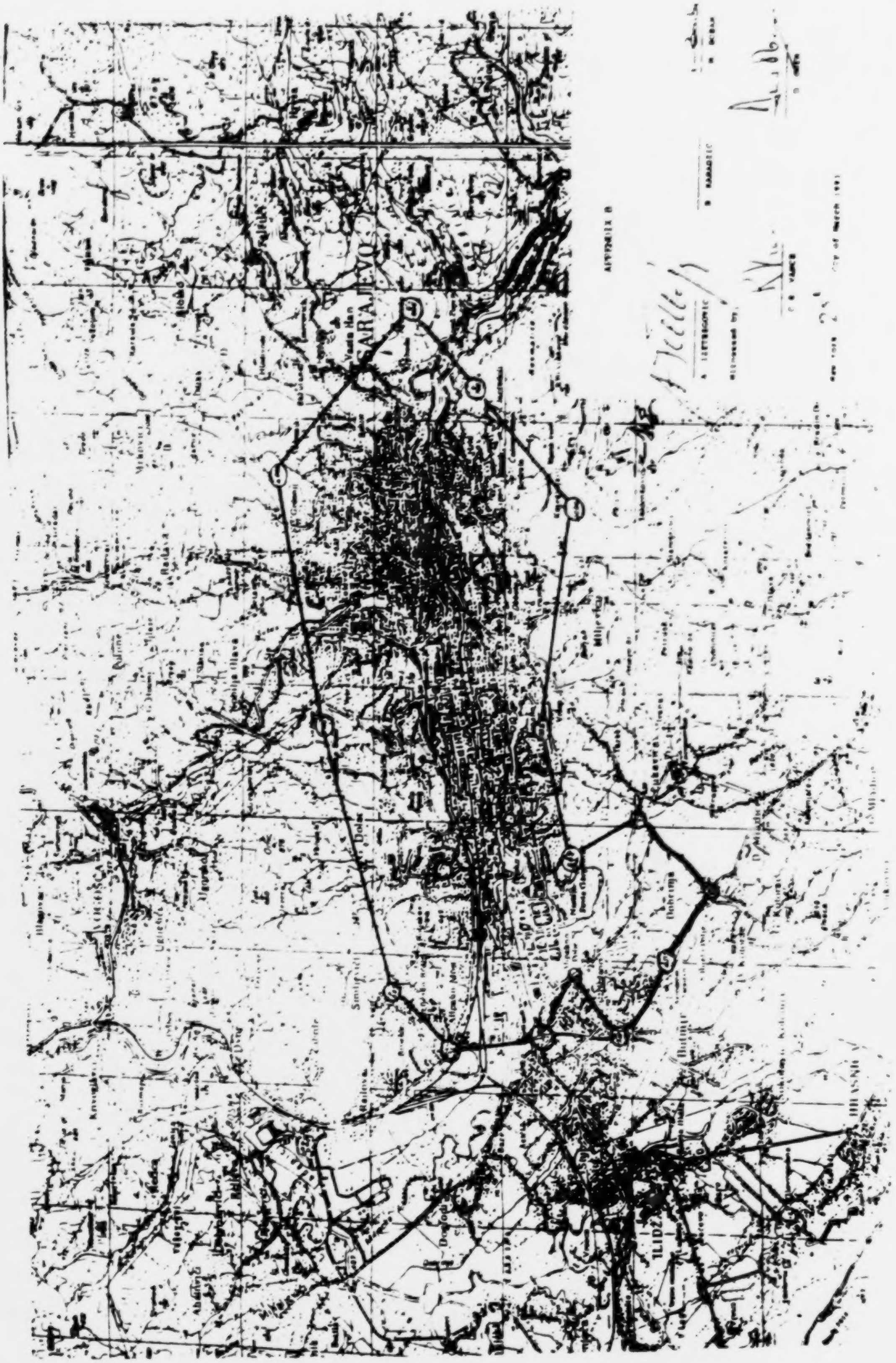
Karadzic

Vance Owen

February 1st 1993
New York

BOSNIA
AND
HERZEGOVINA

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations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APPENDIX C

International human rights treaties and other instruments to be applied in Bosnia and Herzegovina during the interim period

A *General human rights, especially civil and political rights*

1 1948 Convention on the Prevention and Punishment of the Crime of Genocide

2 1948 Universal Declaration of Human Rights, articles 1-21

3 1966 International Covenant on Civil and Political Rights and the 1966 and 1989 Optional Protocols thereto

4 1965 International Convention on the Elimination of All Forms of Racial Discrimination

5 1979 Convention on the Elimination of All Forms of Discrimination against Women

6 1989 Convention on the Rights of the Child

7 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

8 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto

9 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocols 1-10 thereto

10 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

B *Protection of minorities*

11 1992 Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities

12 1990 Parliamentary Assembly of the Council of Europe recommendation 1134 on the rights of minorities, paras 10-13

C *Economic, social and cultural rights*

13 1948 Universal Declaration of Human Rights, articles 22-27

14 1966 International Covenant on Economic, Social and Cultural Rights

15 1961 European Social Charter and Protocol 1 thereto

D *Citizenship and nationality*

16 1957 Convention on the Nationality of Married Women

17 1961 Convention on the Reduction of Statelessness

APPENDIX D

Throughways to be controlled by the International Access Authority

- that part of the road from Bihac to Livno that passes through Banja Luka Province
- that part of the road from Bihac to Jajce that passes through Banja Luka Province
- that part of the road from Banja Luka to Brcko that passes through Posavina Province
- those parts of the roads from Tuzla to Orasje and from Tuzla to Brcko that pass through Posavina and Bijeljina Provinces
- those parts of the roads from Han Pijesak to Sekovici and from Sekovici to Zvornik that pass through Tuzla Province
- that part of the road from Pale to Kalinovik that passes through Sarajevo Province
- that part of the road from Foca to Sarajevo that passes through East Herzegovina Province
- the road from Sarajevo to Mostar and to the Croatian border towards Split
- that part of the road from Ljubinje to Neum that passes through Mostar Province
- the road from Sarajevo through Orlovo to Tuzla
- the road from Gorazde, through Cajnice, to the border

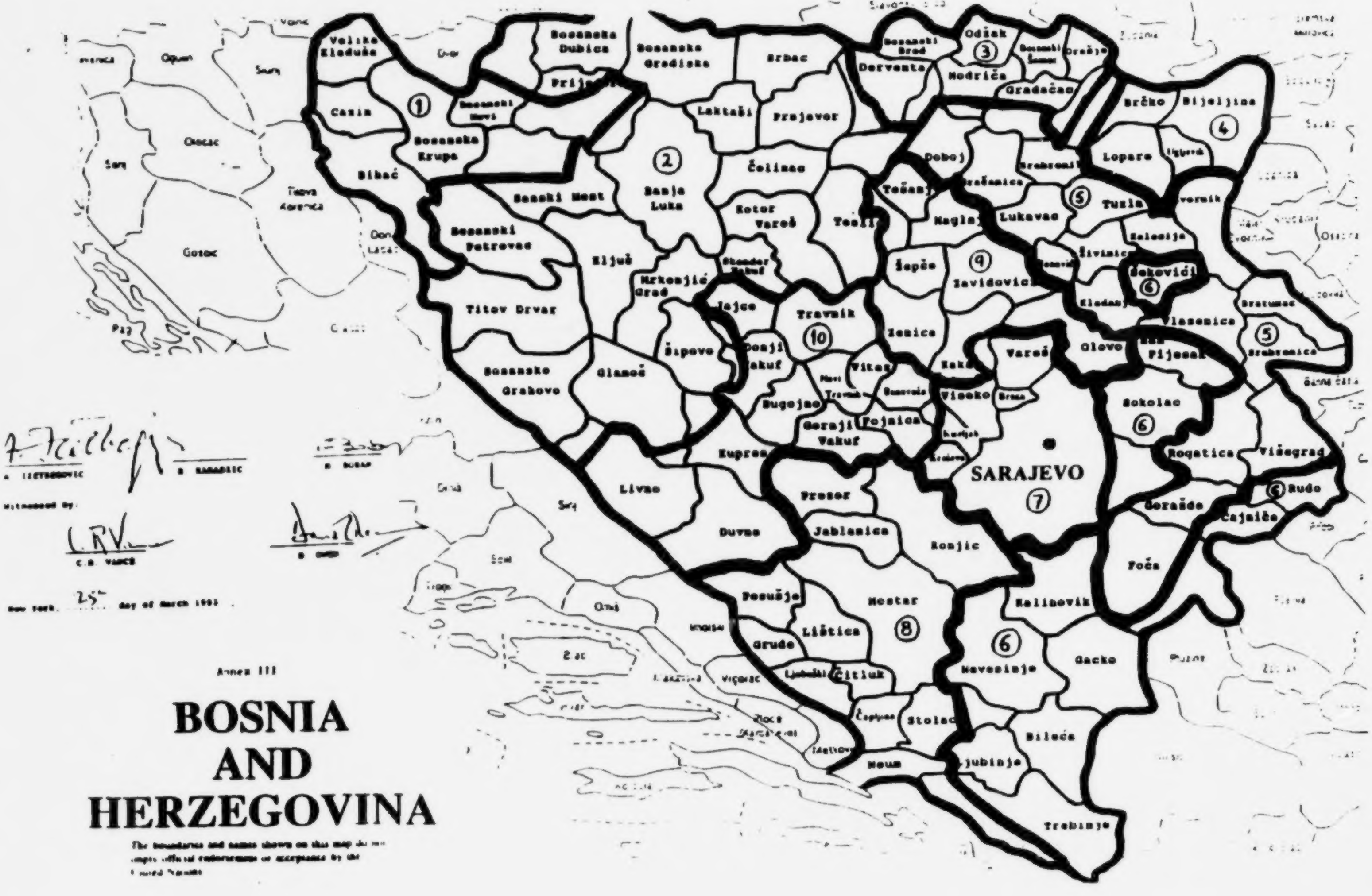
International road border crossings affecting the International Access Authority

- Bihac Province - Velika Kladusa, towards Karlovac and Zagreb
- Banja Luka Province - Bosanski, Gradiska, towards the Zagreb-Belgrade autoroute
- Posavina Province - Orasje, towards the Zagreb-Belgrade autoroute
- Bijeljina Province - Sremska Raca, towards the Zagreb-Belgrade autoroute
- Tuzla Province - Zvornik, towards the Zagreb-Belgrade autoroute
- Mostar Province - Osoje, towards Split

ANNEX II

Agreement relating to Bosnia and Herzegovina

[*For the text of the agreement, see document S/25221, annex II, above.*]


Velika Kladuša
Cazin
①
Bosanski Novi
Bosanska Krupa
Bihać
Bosanska Dubica
Prijedor
Bosanska Gradiška
Bosanski Petrovac
Sanski Most
②
Banja Luka
Laktaši
Srbac
Prnjavor
Čelinac
Kotor Varoš
Ključ
Mrkonjić Grad
Titov Drvar
Bosansko Grahovo
Glamoč
Šipovo
Jajce
Donji Vakuf
Travnik
⑩
Bugojno
Novi Travnik
Vitez
Busovača
Gornji Vakuf
Fojnica
Kupres
Livno
Duvno
Teslić
Tešanj
Maglaj
Žepče
Zenica
⑨
Zavidovići
Kakanj
Visoko
Kiseljak
Kreševo
Vareš
Breza
SARAJEVO
⑦
Bosanski Brod
Derventa
Odžak
③
Bosanski Šamac
Modriča
Orašje
Gradačac
Doboj
Srebrenik
Gračanica
Lukavac
⑤
Tuzla
Brčko
Bijeljina
④
Lopare
Ugljevik
Zvornik
Kalesija
Živinice
Kladanj
Šekovići
⑥
Vlasenica
Bratunac
Srebrenica
Olovo
Han Pijesak
Sokolac
Rogatica
Višegrad
Rudo
Goražde
Čajniče
Foča
Kalinovik
Prozor
Jablanica
Konjic
Mostar
⑧
Posušje
Lištica
Grude
Ljubuški
Čitluk
Čapljina
Stolac
Neum
Nevesinje
Gacko
Bileća
Ljubinje
Trebinje

A. Izetbegovic R. Karadzic M. Boban

Witnessed by:

C.R. Vance D. Owen

New York, 25th day of March 1993 .

Annex III

BOSNIA AND HERZEGOVINA

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations

ANNEX IV

Agreement for peace in Bosnia and Herzegovina

[*For the text of the agreement, see document S/25221, annex IV, above.*]

ANNEX V

Text of the statement by Mr. Alija Izetbegovic of 25 March 1993

[*For the text of the statement, see document S/25474 above*]

DOCUMENT S/25482

Letter dated 26 March 1993 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*29 March 1993*]

I have the honour to refer to the letter dated 17 March 1993 from the Chargé d'affaires of the Permanent Mission of the "Federal Republic of Yugoslavia" (Serbia and Montenegro) [*S/25425*]. The letter is a line of unfounded and poorly argued allegations that the Belgrade authorities are repeatedly raising against the Republic of Croatia and some other countries. All this is aimed at diverting attention from the ties that the Belgrade regime is strengthening with military establishments of Iraq and the Democratic People's Republic of Korea, and its participation in a global arms smuggling network, thus providing the arms for, among others, the Somali warlords. In this respect we would like to strongly deny such allegations by stressing the following:

1. The Republic of Croatia would like to repeat that it is committed to Security Council resolutions 713 (1991) and 724 (1991) and is acting, in accordance with its own laws and regulations, to prevent criminal actions that violate these resolutions. In case of any criminal activities and violations possibly carried out by an international network of individuals, the authorities of the Republic of Croatia are ready to fully cooperate with any Government and in any particular matter. We are ready to submit to legal procedures against any Croatian citizens involved in criminal activities, on the grounds of firm and legally respectful evidence. With respect to this we would like to declare that the persons mentioned in paragraph 1 of the letter are not the citizens of the Republic of Croatia.

2. With respect to the allegations against Prime Minister Hrvoje Sarinic and the Rudjer Boskovic Institute, we would like to characterize them as most slanderous insinuations, as they are not supported and are completely unfounded.

3. The Republic of Croatia has indeed published in 1991 a study entitled "Criteria for the election of sites for thermoenergetic and nuclear objects", which deals with the criteria, and no sites are mentioned. The criteria had been subject to the International Atomic Energy Agency (IAEA) review, and are thus approved.

We would like to stress that the Republic of Croatia has recently become a member of IAEA and is fully applying all the provisions of its rules and procedures. The well-established communication with IAEA is of primary interest to the Republic of Croatia and any inspection at any time and on whatever subject is welcomed.

The Republic of Croatia on 29 June 1992 joined the Treaty on the Non-proliferation of Nuclear Weapons and is fully complying with its provisions. This treaty was among the first that we have committed ourselves to. The firm stand of our Government is in favour of the gradual disappearance of nuclear weapons and the prevention of their proliferation, and it is firmly determined to cooperate towards achieving that goal. We are supporting the initiatives aimed at strengthening the region of Central and South Europe as nuclear-arms-free zones.

I should be grateful if you could have the text of this letter circulated as a document of the Security Council.

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia to the United Nations

DOCUMENT S/25483

Letter dated 29 March 1993 from the representative of Azerbaijan to the President of the Security Council

[*Original: Russian*]
[*29 March 1993*]

On behalf of my Government, I have the honour to inform you about the latest round of the informal consultations of the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE) on the establishment of peace in the Nagorny Karabakh region of the Azerbaijani Republic and the surrounding area, which was held under the chairmanship of Italy at Geneva from 17 to 23 March 1993.

The concept put forward by the Azerbaijani delegation, headed by the Minister for Foreign Affairs, Mr. Tofik Gasymov, was based on a desire to achieve a genuine peaceful settlement and to move on to peaceful negotiations within the framework of the Minsk Conference. In this connection, it proposed a plan for a settlement which called for the full demilitarization of Nagorny Karabakh and other nearby territories in Azerbaijan prior to the Minsk Conference. This proposal would exclude the factor of military force and its negative impact on the course of peaceful negotiations, and would provide an opportunity for the normalization of life in the region and establish conditions for the return of displaced persons to their places of permanent residence.

The proposals by the Azerbaijani delegation included the following:

- Disarming and disbanding of irregular armed units prior to the Minsk Conference and identification and withdrawal of foreign military personnel;

- Monitoring of heavy armaments in order to prevent their use;

- Withdrawal of the Armenian armed forces from the territory of the Lachin district of Azerbaijan and establishment of control on the frontier between Armenia and Azerbaijan (by the Armenians on the Armenian side and by the Azerbaijanis on the Azerbaijani side). International control may be established only in order to ensure the provision of humanitarian assistance by Armenia to Nagorny Karabakh, with the agreement of the Government of Azerbaijan, and to ensure the return of displaced persons to their places of residence.

During the talks the Armenian delegation pursued its own aims, which mainly consisted of maintaining in the territory of the Azerbaijani Republic both the armed forces of the Republic of Armenia and the armed formations of Armenians from the Nagorny Karabakh region of the Azerbaijani Republic, which they support. The proposed maintenance of the situation in the region means in practice that Armenia would retain control over the regions of Azerbaijan now occupied by Armenian armed formations. The implementation of this approach would mean that there would be an opportunity to exert pressure on the Azerbaijani side during the Minsk Conference.

The demilitarization proposal put forward by Azerbaijan was rejected by Armenia. In justification, it was argued that the proposal did not provide guarantees for the security of the Armenian population of the Nagorny Karabakh region of Azerbaijan. In that connection, the Armenian side failed to mention the need for similar guarantees for the security of the Azerbaijani population of Nagorny Karabakh. The Azerbaijani delegation, for its part, declared that the security of the inhabitants of Nagorny Karabakh, both Armenians and Azerbaijanis, can be guaranteed only by the disbanding of the armed formations, the presence of foreign observers and the guarantees given by the Azerbaijani Government.

As the results of the meeting at Geneva show, the achievement of a compromise entails great difficulties and will require intense negotiations; however, the goal that has been set is worth this. Although a final timetable has not yet been worked out for action to establish peace in the Nagorny Karabakh region of Azerbaijan and the surrounding area, it is gratifying that the talks are continuing. A mutually acceptable result can be attained only if there is a sincere desire by the parties to achieve such a result within the framework of the negotiating process. The Azerbaijani side once again reaffirms its commitment to this approach.

Azerbaijan greatly appreciates the support and deep concern of the Security Council and the Secretary-General in connection with the establishment of peace on Azerbaijani soil. We share the view expressed in the documents of the Security Council and in the recent letter from the Secretary-General, Mr. Boutros Boutros-Ghali, addressed to the President of the Azerbaijani Republic, Mr. Abulfaz Elchibey, concerning the need to bring the Minsk process within the framework of CSCE to a logical conclusion. We are writing to you in the hope that the efforts of CSCE to resolve the conflict between Armenia and Azerbaijan over the Nagorny Karabakh region of the Azerbaijani Republic and the delicate results achieved at Rome and Geneva will continue to receive your full support.

The Azerbaijani side intends to continue the search for ways to achieve a political settlement of the conflict during the further round of talks between Armenia and Azerbaijan, scheduled to begin at Geneva on 2 April 1993.

(*Signed*) Hassan HASSANOV
Permanent Representative
of Azerbaijan to the United Nations

DOCUMENT S/25484

Letter dated 26 March 1993 from the representative of Denmark to the Secretary-General

[*Original: English*]
[*29 March 1993*]

I have the honour to transmit herewith the text of a statement on the report of the Commission on the Truth in El Salvador issued by the European Community and its member States on 25 March 1993.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

(*Signed*) Bent HAAKONSEN
Permanent Representative
of Denmark
to the United Nations

TEXT OF THE STATEMENT

[*Original: English and French*]

The European Community and its member States welcome the submission and publication of the report of the Commission on the Truth in El Salvador.

They express their support for the statement on the report of the Commission on the Truth of 18 March 1993 by the President of the Security Council [*S/25427*].

They believe that an early, full and integral implementation of all recommendations will be crucial for achieving national reconciliation and consolidation of peace in El Salvador.

In this context, the European Community and its member States note with concern that the Salvadorian parliament, upon the Government's initiative, has approved an "extensive, absolute and unconditional" amnesty before the full implementation of the Ad Hoc Commission's recommendations and before putting into effect the conclusions of the Commission on the Truth. They emphasize that this step, which can only contribute positively to national reconciliation if it receives broad support in Salvadorian society, should not prejudice the full implementation of the recommendations of the Commission on the Truth.

DOCUMENT S/25487

Letter dated 29 March 1993 from the representatives of Bosnia and Herzegovina and Croatia to the Secretary-General

[*Original: English*]
[*29 March 1993*]

We have the honour to enclose the Joint Statement by the President of the Presidency of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegovic, and President of the Republic of Croatia, Mr. Franjo Tudjman, dated 27 March 1993 and signed at Zagreb.

We would kindly ask for your assistance in circulating this letter and the statement as a document of the Security Council.

(*Signed*) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

(*Signed*) Mario NOBILO
Permanent Representative
of Croatia
to the United Nations

TEXT OF THE STATEMENT

1. The Republic of Croatia supports the signing of the Vance-Owen plan by Messrs. Alija Izetbegovic and Mate Boban.

2. The President of the Republic of Croatia, Mr. Franjo Tudjman, and the President of the Presidency of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegovic, request from the international community that the Vance-Owen plan be effectively and consistently implemented, bearing in mind the ineffective implementation of the Vance plan in the Republic of Croatia because of the systematic obstruction by the Serbian side.

3. Both Presidents remind the international community of continuing aggression by the Federal Republic of Yugoslavia (Serbia and Montenegro) against Bosnia and Herzegovina and Croatia, which should be taken into account when plans are made for the engagement of peace forces in Bosnia and Herzegovina and the extension of the UNPROFOR mandate in Croatia.

4. Presidents Tudjman and Izetbegovic express their preparedness for close cooperation between the Republic of Croatia and the Republic of Bosnia and Herzegovina, and emphasize the need for comprehensive cooperation between the Croatian and Muslim people in Bosnia and Herzegovina in the implementation of the Vance-Owen plan, and particularly in the event of the continuation of aggression.

5. If the Serbian side fails to meet the demands of the international community for the implementation of the Vance-Owen plan and if its aggression continues, the Presidents request that the arms embargo on Croatia and Bosnia and Herzegovina be lifted.

DOCUMENT S/25488

Letter dated 29 March 1993 from the representative of Azerbaijan to the President of the Security Council

[*Original: English*]
[*30 March 1993*]

I have the honour to transmit to you the text of a note by the Ministry of Foreign Affairs of the Azerbaijani Republic, issued at Baku on 27 March 1993, concerning the recent large-scale attacks and violation of the State borders of the Azerbaijani Republic by the armed forces of the Republic of Armenia.

I would be grateful if you could have this letter circulated as a document of the Security Council.

(*Signed*) Hassan A. HASSANOV
Permanent Representative
of Azerbaijan to the United Nations

NOTE BY THE MINISTRY OF FOREIGN AFFAIRS OF THE AZERBAIJANI REPUBLIC

[*Original: Russian*]

The Ministry of Foreign Affairs of the Azerbaijani Republic deems it necessary to state the following to the Ministry of Foreign Affairs of the Republic of Armenia:

On 23 March 1993, after violating the State border of the Azerbaijani Republic, Armenian armed forces undertook a large-scale offensive with the use of artillery and armoured equipment in the direction of the Zangelan district of the Azerbaijani Republic. As a result of this offensive, the villages of Ashagi Geyali and Dzhanbar were occupied and the district centre of Zangelan has been subjected to incessant artillery bombardment. Following this, during the night of 26 to 27 March, the uninterrupted bombardment of the populated areas of Soyudlu, Soyukbulak, Ashagi Airum and Dikyurt in the Kelbadzhar district of Azerbaijan began from three directions in the territory of the Vardenis district of Armenia with the use of heavy-artillery guns and "Grad" installations. Soon after the artillery preparation, three armed military helicopters of the Armenian forces violated the State border of Azerbaijan and shelled the villages referred to above. There is considerable destruction and a number of victims.

The Ministry of Foreign Affairs of the Azerbaijani Republic views this latest military action as a blatant violation of all the international norms laid down in the Charter of the United Nations and the principles of the Conference on Security and Cooperation in Europe (CSCE) and considers that it is designed to undermine the negotiation process aimed at settling the conflict between Armenia and Azerbaijan within the CSCE framework. By expanding the area of conflict to include the entire length of the border between Armenia and Azerbaijan, the Republic of Armenia has once again demonstrated its determination to settle the conflict through force.

In this connection, the Ministry of Foreign Affairs of the Azerbaijani Republic registers a strong protest with the Ministry of Foreign Affairs of the Republic of Armenia and states that such a position on the part of the leaders of the Republic of Armenia forces the Azerbaijani Republic to take adequate measures to protect the territorial integrity of its State. The Ministry of Foreign Affairs of the Azerbaijani Republic stresses that the Republic of Armenia is completely and entirely responsible for all the possible consequences of a further escalation of the conflict.

DOCUMENT S/25489

Letter dated 17 March 1993 from the representative of South Africa to the Secretary-General

[*Original: English*]
[*30 March 1993*]

I have the honour to attach the text of a letter from the Minister for Foreign Affairs, Mr. R. F. Botha, concerning the situation in Angola. I should be grateful if the letter could be circulated as a document of the Security Council.

(*Signed*) V. R. W. STEWARD
Permanent Representative
of South Africa to the United Nations

LETTER DATED 16 MARCH 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF SOUTH AFRICA ADDRESSED TO THE SECRETARY-GENERAL

In view of the deteriorating situation in Angola and renewed allegations by the Government of the Republic of Angola regarding continued logistical support for UNITA [*National Union for the Total Independence of Angola*] from South Africa, I deem it necessary to once again place on record the South African Government's position in this regard.

I would like to state categorically that the South African Government does not support UNITA militarily or in any other way. The South African Government also does not support any party which opts for a military solution. It will also not support any party which attempts to obtain advantages inconsistent with the democratic process. In fact the position of the South African Government in this regard has been amply expounded in previous communications to you, which have been widely published also as documents of the Security Council.

I wish to stress that South Africa's interests would be ill-served by conflict, destruction and instability in the southern African region: consequently South Africa's interests coincide with the interests of the people of Angola in a negotiated peaceful future. It is difficult to conceive of what strategic or other South African interest could be served by becoming embroiled in a conflict which is not only detrimental to bilateral relations but also to the region and the continent as a whole.

In the past, when the world was a different place, a number of other States, including the United States of America and South Africa, supported Mr. Savimbi with the overall objective of enabling him to participate in a democratic process in Angola, which would establish an elected Government and bring to an end years of internal strife. That objective was achieved, although subsequently vitiated, when elections were held in Angola at the end of September 1992 in terms of the Bicesse Accords of 31 May 1991. The considerations of earlier years obviously no longer have relevance.

The South African Government, in its contacts with both President Eduardo dos Santos and Mr. Jonas Savimbi and in its public pronouncements has consistently and strongly advocated the following:

- The obligation of the parties to honour the terms of the Bicesse Accords;

- The obligation of the parties to accept the results of the September 1992 elections which were declared "generally free and fair" by the

Secretary-General's Special Representative in Angola and which were formally accepted by the South African Government;

- The need for the leaders of the two main parties in Angola to enter into dialogue to solve the impasse;
- The total rejection of force as a way of achieving political ends in Angola;
- Support for the Security Council and the Secretary-General of the United Nations in their efforts to salvage the peace and support for a continued and strong United Nations presence in Angola.

The South African and Angolan Governments have, until recently, been steadily strengthening mutually beneficial relations and had exchanged Representative Offices in each other's capitals. Agreements, subsequently interrupted by the resumption of hostilities, had been reached on cooperation in a wide range of fields such as mine-lifting, manpower training centres and medical training and assistance. The South African Government had every hope of continuing and expanding this promising relationship. The South African Government has also consistently advocated closer economic ties between South Africa and Angola. South Africa's interest lies in promoting peace and economic development, not only in Angola but in the whole of the subregion.

The South African Government has initiated a number of concrete and tangible steps to ensure that South Africa does not become embroiled in the tragic conflict in Angola, which I would like to enumerate hereunder:

- The Minister of Defence issued a statement on 26 February 1993 pointing out that in terms of existing legislation, it was a punishable offence for members of the South African Defence Force or the Reserve to render service as mercenaries or to recruit people to render service as mercenaries. In view of reports that a number of South Africans had already left for Angola, the South African Police are currently investigating possible transgressions of the applicable legislation (annex I*).
- I also issued a statement in this regard on 5 March 1993 warning South Africans who are members of the South African Defence Force or the Reserve against recruitment as mercenaries for service in neighbouring countries. I stressed the fact that this was an illegal act and that this was being done at their own risk (annex II).
- The Minister of Defence issued a statement on 2 March 1993 rejecting allegations that South Africa was supplying arms to UNITA. He further pointed out that the Armaments Development and Production Act determined that no armaments may be exported from South Africa without a marketing and export permit, issued by the Armaments Corporation of South Africa (Armscor). He added that the Government would prosecute any transgressors (annex III).
- The Civil Aviation authorities issued a renewed directive to all private air operators on the question of unauthorized flights beyond South Africa's boundaries on 26 February 1993 (annex IV).
- The State President, Mr. F. W. de Klerk wrote to President Eduardo dos Santos on 1 March 1993 in response to certain alleged activities of a Namibian registered company, Namibian Commercial Aviation (NCA), in support of UNITA (annex V).
- Due to the above-mentioned measures, the Department of Transport announced on 4 March 1993 that legal action had already been instituted against an offender violating the prescribed civil aviation procedures (annex VI).
- On 5 March 1993, I requested the relevant government departments to take additional steps to prevent unauthorized private flights to neighbouring countries.
- The South African authorities have also notified several private air operators in South Africa of the implications of unauthorized flights beyond South Africa's borders.

The South African Government shares the concern of the United Nations at the failure of recent efforts to arrange peace talks between the Angolan Government and UNITA in Addis Ababa. We are disappointed at the failure of UNITA, although it may have had certain security concerns, to attend the peace talks particularly in view of the elaborate and accommodating measures taken by Miss Margaret Anstee, the United Nations Special Representative for Angola, to enable the UNITA delegation to travel to Addis Ababa.

It remains the South African Government's firm belief that the only way ahead in Angola is the one proposed by the Security Council, amongst others in resolution 811 (1993) adopted by the Security Council on 12 March 1993, which provides for dialogue between the two parties under the auspices of the United Nations. The Bicesse Accords remain the only meaningful framework within which peace can be restored to Angola. The Bicesse Accords should be reactivated as a matter of urgency with a view to their full implementation. We believe that the dialogue that was begun at Addis Ababa in late January 1993 deserves continued support from all parties and we urge both parties to demonstrate their commitment to peace by resuming substantive talks as a matter of urgency. Decisive action by the international community is now required to get the parties back to the negotiating table.

As mentioned to you before, I believe that the presence of a large contingent of United Nations peace-keeping forces in Angola, is essential for the implementation of a lasting cease-fire as well as for the success of the peace process as a whole. I would also like to state that we have full confidence in Miss Margaret Anstee and the role she has played in the search for a peaceful solution in Angola.

The suffering of the innocent civilian population in Angola constitutes a major tragedy. The ongoing destruction of the economic infrastructure in Angola is senseless and counter-productive. The South African Government is therefore also concerned about threats made by UNITA regarding further destruction of the economic infrastructure and appeals to UNITA to refrain from any further such action in the interest of the country and its people.

The South African Government remains willing to assist the international community, including the United Nations and the observers to the Peace Accords for Angola, to resolve the crisis in Angola. These efforts will, however, require decisive leadership and statesmanship by both parties. The South African Government urges both parties to stop the bloodshed that has tragically claimed thousands of lives over the past several months and to commit themselves anew to dialogue and national reconciliation.

(*Signed*) R. F. BOTHA

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*Annexes I to VI are not reproduced in the present *Supplement*, they may be consulted in the files of the Secretariat.

DOCUMENT S/25490

Report of the Secretary-General on the International Conference on the Former Yugoslavia: recent activities of the Working Groups

[*Original: English*]
[*30 March 1993*]

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INTRODUCTION

1. In recent reports submitted to the Security Council, I informed the Council about developments in the peace talks on Bosnia and Herzegovina being conducted by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia [*S/25050, S/25221, S/25248 and S/25403*].

2. In two earlier reports, I had informed the Council about other activities undertaken within the framework of the Conference [*S/24795 of 11 November 1992 and S/25015 of 24 December 1992*]. The present report provides information on the activities of the Working Groups of the Conference since the beginning of 1993.

I. WORKING GROUP ON BOSNIA AND HERZEGOVINA

3. The activities undertaken with regard to the situation in Bosnia and Herzegovina have been dealt with in my recent reports to the Council.

II. WORKING GROUP ON HUMANITARIAN ISSUES

4. The Working Group on Humanitarian Issues, chaired by Mrs. S. Ogata, the United Nations High Commissioner for Refugees, has continued to address the plight of refugees, displaced persons and other victims of conflict. As humanitarian lead agency in the former Yugoslavia, the Office of the High Commissioner (UNHCR) maintains intensive contacts with all relevant counterparts in the region. Contacts at the governmental level take place through Mrs. Ogata's Special Representative, who travels to the various capitals on a regular basis, and through her Chiefs of Mission in those capitals. These contacts are complemented and supported by official sessions of the Working Group at Geneva and in the field, as required. The Working Group has proven to be a useful forum for negotiations with the Bosnian parties.

5. On 11 January 1993, Mrs. Ogata addressed a plenary session of the peace talks on Bosnia and Herzegovina, attended by the Bosnian parties and by the Presidents of Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro), Serbia and Montenegro. From 24 to 27 January, she visited Zagreb, Belgrade and Sarajevo to meet with Presidents Cosic, Milosevic and Tudjman, with the Bosnian leadership, and with Generals Nambiar and Morillon of the United Nations Protection Force (UNPROFOR). Upon returning to Geneva, she held separate working group sessions with President Izetbegovic, the Bosnian Croats (Mr. Boban) and the Bosnian Serbs (Mr. Karadzic).

6. Regarding Bosnia and Herzegovina, many of these contacts have concentrated on the need for unimpeded humanitarian access to all victims of conflict. During the period under review, the relief effort has been severely jeopardized. Harassment and endless delays at check-points have become daily occurrences. Fighting between Bosnian Croat and Government forces was a serious set-back for the relief operation in central Bosnia, which accommodates the majority of displaced persons. UNHCR had to temporarily withdraw its staff from the Serbian-held Banja Luka region because of security threats. Access to the government-held Bihac region was temporarily blocked by local Serb authorities in the Krajina region in Croatia, after fighting broke out in the "pink zone" adjacent to UNPA South. On 2 February, operations on the crucial Mostar road had to be suspended, after the killing of a UNHCR driver. On several occasions the airlift to Sarajevo had to be suspended due to security incidents, e.g., on 6 February, after a German plane was hit by anti-aircraft artillery. Most serious has been the denial of access to government-held enclaves in eastern Bosnia, inducing the Bosnian Government on 12 February to refuse further acceptance of humanitarian assistance in Sarajevo and Tuzla. After a new partial suspension, UNHCR and UNPROFOR managed to gain access to some of the enclaves, while American air drops, carried out in coordination with UNHCR, started relieving the dire conditions in other enclaves.

7. Despite these serious problems, the international relief effort, conducted by United Nations agencies, UNPROFOR, the International Committee of the Red Cross and various non-governmental organizations has thus far prevented mass starvation. However, fighting and persecution continue to cause new victims and displacement, especially in eastern Bosnia. In close cooperation, the humanitarian organizations are preparing for the arrival of thousands of victims in Tuzla, central Bosnia. Of great concern are the sharply declining economic conditions in this region, as tensions between Bosnian Croat forces and the Government side are negatively affecting the circulation of commercial goods.

8. Newly arriving refugees are adding to the already enormous burden of adjacent countries, where socio-economic conditions have continued to decline. For this reason, Mrs. Ogata convened on 25 March 1993 a meeting of the Working Group on Humanitarian Issues, uniting all countries of the region, the international donor community and other interested States, the Department of Humanitarian Affairs of the Secretariat and international governmental and non-governmental organizations. At this meeting the overall humanitarian situation was assessed, and a new consolidated appeal for the period 1 April-31 December 1993 was launched.

III. WORKING GROUP ON ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

9. Since the Working Group on Ethnic and National Communities and Minorities met in December with representatives of Muslims from Sandzak and of the Hungarians, Croats and Slovaks from Vojvodina, no new meeting could be arranged, owing to elections and changes of the Governments in Serbia, Montenegro and in the Federal Republic of Yugoslavia.

10. On 10 March, the Chairman of the Working Group, Ambassador Ahrens, and members had a first meeting in Belgrade with Mrs. Savovic, the new Minister for Human Rights and Minorities in the Federal Government. In this first exchange of views, Mrs. Savovic showed a positive attitude towards the activities of the Group. The Chairman stressed the importance of resuming, as soon as possible, the work of the Group on all items that had been on its agenda so far.

11. The Working Group had planned to meet the same day in Belgrade with representatives of the Hungarian minority in Vojvodina, but the meeting had to be cancelled because the Hungarians were apparently unable to attend. A meeting in Belgrade with Serbs from the Gorski Kotar area in Croatia, scheduled for 10 March 1993, was also called off.

12. Since the beginning of the year, two trilateral meetings were held on minority issues in the former Yugoslav Republic of Macedonia. The first took place from 20 to 22 January, in Skopje, the second on 10 and 11 February, at Geneva. Before the meeting in Skopje, the Working Group stopped for talks in Tirana, where they were received by President Berisha. Voicing his concern about the development in the south-eastern part of the former Yugoslavia, President Berisha expressed strong support for the endeavours of the Group, adding that everything should be done to stabilize the situation in the former Yugoslav Republic of Macedonia and in Kosovo.

13. The talks on the former Yugoslav Republic of Macedonia continue to follow the pattern of slow but steady progress. Improvements could be achieved, for instance, on the use of minority languages and the reopening of a number of secondary school classes in Albanian. Progress is under way concerning the situation in the media sector, a census with participation of the Albanians and on self-administration.

14. The European Community Commission is considering financial support for the census. On 8 March, Ambassador Rey attended a meeting in Brussels with representatives of the European Community Commission and the Council of Europe on organizational and financial aspects of the census. Everything will be done to have the census organized before the end of the year.

15. A further trilateral meeting on the former Yugoslav Republic of Macedonia was planned to take place in Skopje on 10 and 11 March. It was the intention of the Group to clarify at that meeting remaining issues concerning the media sector as well as to take up all other pending issues such as the law on local self-government, the law on foreigners, the three laws on elementary, secondary and university education, as well as certain problems related to the implementation of the law on citizens and legislation related to the organization of administration and of the courts. Invoking technical problems, the Government asked for postponement of the meeting. It is the Group's hope that work on the outstanding issues can be pursued as soon as possible in the spirit of cooperation which has so far characterized the talks.

16. When in Belgrade, Ambassador Ahrens met, on 10 March, with Patriarch Pavle on matters related to religious services for the Serbian ethnic group in the former Yugoslav Republic of Macedonia.

Special Group on Kosovo

17. The Special Group on Kosovo met at Geneva from 26 to 28 January and in Belgrade on 17 and 18 February. As in past meetings, the talks were limited to the subject of education, for which the Group still endeavours to reach pragmatic solutions in the hope of improving the overall climate between the parties, which continues to be far from positive.

18. The Kosovar Albanians presented their teaching plans. These were rejected by the Government on the ground that they contained an underlying assumption of independence for Kosovo. The Government made new proposals on the reinstatement of teachers and on the recognition of years spent in the parallel school system run by the Albanians. They were rejected by the Kosovar Albanian side, which insists on the "unconditional" reopening of school premises before they would be ready to address other issues.

19. In the talks on Kosovo, fundamental issues are constantly hindering the pragmatic approach for solutions in the field of education. The Group will pursue its efforts, but at the same time it is necessary to address fundamental issues in the light of the principles agreed upon at the London Conference.

20. When in Belgrade on 10 March, the Chairman emphasized to Mr. Jovanovic, the Federal Minister for Foreign Affairs, the necessity of this double-track approach. While agreeing in principle, the Minister stressed the desirability for success on the educational issue as a first step before other issues were approached. On 17 March, Ambassador Ahrens had a discussion with Mr. Bukoshi, who spoke on behalf of Albanians from Kosovo. There was agreement that everything should be tried to achieve progress in the ongoing talks. Mr. Bukoshi informed Ambassador Ahrens that authorities in Kosovo had taken away since the beginning the passport of Professor Statovci, a member of the Kosovar Albanian negotiating team, on whose participation the Kosovar Albanians had to insist.

IV. WORKING GROUP ON SUCCESSION ISSUES

21. The Working Group on Succession Issues, which is chaired by Ambassador J. Bojer, has met twice in 1993, from 19 to 22 January in Brussels, and from 8 to 11 March at Geneva. On 12 March 1993, a joint meeting of the Working Groups on Economic Issues and Succession Issues was held at Geneva.

22. In the January meeting, delegations from all successor States of the former Yugoslavia participated. The delegations of Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia were both delayed. On the basis of a working paper by the late Chairman of the Working Group on Succession Issues, Mr. Henry Darwin, the participants continued drafting texts on succession with respect to citizenship, acquired rights and pensions. State archives and diplomatic and consular property were also discussed.

23. In the meeting in March, delegations from Croatia, from the former Yugoslav Republic of Macedonia and from Slovenia took part. A representative of Bosnia and Herzegovina was present during part of the meeting as an observer. The delegation of Bosnia and Herzegovina stated that its non-participation was due to the impossibility for its delegates, who had remained in Zagreb since the previous meeting in January, to go to Sarajevo to receive instructions prior to the meeting, owing to UNPROFOR's practice concerning transport of government representatives in and out of Sarajevo. The delegation of the Federal Republic of Yugoslavia (Serbia and Montenegro) had, on 4 March, asked for a postponement of the meeting until after 22 March because of the change of government in Belgrade. The Chairman decided not to postpone the meeting at such short notice, as other delegations had already undertaken extensive preparations for the meeting. There were no representatives of the Federal Republic of Yugoslavia present at the meeting.

24. On substantive issues, the three delegations formally participating drafted texts on succession with respect to State archives and rules concerning distribution of immovable and movable properties administered by the former Federal Secretariat for Foreign Affairs of the Socialist Federal Republic of Yugoslavia. Pension obligations was the third major issue discussed at the meeting.

25. At the joint meeting of the Working Groups on Economic Issues and Succession Issues on 12 March, the participants discussed the implications of the conclusions in Mr. Durieux's "Chairman's Report on the Valuation of the Assets and Liabilities of the Former SFRY", of 26 February 1993, on the coordination of the future work of the two working groups.

26. The plan for the next meeting of the Working Group on Succession Issues, scheduled to take place from 5 to 7 April 1993 at Geneva, is to carry on the drafting of texts on succession with respect to financial assets and liabilities of the former Socialist Federal Republic of Yugoslavia, rules for the distribution of immovable and movable properties (abroad), State archives, pensions, and legal problems related to the draft single inventory of the assets and liabilities of the Socialist Federal Republic of Yugoslavia.

V. WORKING GROUP ON ECONOMIC ISSUES

27. The Working Group on Economic Issues is chaired by Mr. J. Durieux.

Meeting: Brussels, 20 and 21 January 1993

28. The six subgroups charged with the valuation of the assets and liabilities of the former Federation met to review the latest draft of a report on this valuation. The meeting revealed uneven progress across the six subgroups with some basic information still missing and some estimated values being contested. The gap between the undisputed part of the inventory and those parts which some of the delegations felt ought not to be considered in the framework of State succession remained wide.

29. Subsequent to this meeting some further information and comments were received which were included in the report. The final draft of the report was submitted to the Co-Chairmen on 4 March.

Meeting: Geneva, 17 February 1993

30. The main item on the agenda was the proposed high-level conference on the economic future of the countries of the former Yugoslavia. All delegations except Slovenia (the delegation of Bosnia and Herzegovina did not attend) thought the conference to be a useful idea, but felt that a number of conditions would need to be satisfied before it could be held, notably an effective cease-fire, the emergence of a global political settlement, progress on the lifting of sanctions and activation of the PHARE programme. Further work on the draft paper on the economic situation of the countries of the former Federation as well as submissions from the Republics will follow, but progress is now dependent upon political factors.

VI. WORKING GROUP ON CONFIDENCE- AND SECURITY-BUILDING AND VERIFICATION MEASURES

31. The Working Group on Confidence- and Security-Building and Verification Measures, chaired by Mr. V. Berasategui, recommenced its activity this year on 18 January 1993. At that meeting, the Working Group heard a report from UNHCR on incidents which had jeopardized its humanitarian airlift and which were in violation of the 15 September 1992 agreement on confidence-building measures [*see S/24634*]. UNHCR strongly appealed to all sides to respect the humanitarian nature of the airlift.

32. In December 1992, the Working Group had begun consideration of a proposal for a preliminary exchange of information among parties in the former Yugoslavia on weapons systems and levels of armed forces, in order to facilitate confidence-building measures. At the meeting on 18 January, the Chairman of the Working Group announced that, after consultation with the Co-Chairmen of the Steering Committee, he was deferring further work, in the light of the crucial stage of the negotiations on a peace plan for Bosnia and Herzegovina.

DOCUMENT S/25491

Letter dated 30 March 1993 from the representative of Azerbaijan to the President of the Security Council

[*Original: Russian*]
[*30 March 1993*]

It is with a feeling of profound concern that I inform you that the Republic of Armenia has carried out further acts of aggression against the Azerbaijani Republic.

On 27 March, units of the Armenian National Army suddenly attacked the Kelbadzhar district of Azerbaijan, which borders on Armenia. The attack was carried out from two directions: directly from the territory of the Martuni district of Armenia and the territory of the Nagorny Karabakh region of the Azerbaijani Republic, which is occupied by Armenian armed forces. This action was preceded by air raids by bomber aircraft of the Armenian air force and also rocket-artillery strikes directed at the Kelbadzhar district. According to preliminary information, civilians have been killed and wounded.

On 28 March, Armenian units occupied the villages of Aggaya and Merdzhemet in the Kelbadzhar district and resumed combat operations in the Lachin district. On 29 March, having penetrated further into the Kelbadzhar and Lachin districts of Azerbaijan, they attacked 14 populated areas, 5 of which - Agdaban, Naryndzhlar, Chyragly, Tezekend and Agdzhakend - were captured.

The attack against the Kelbadzhar district, the expansion of combat operations in the Lachin district of Azerbaijan, the maintenance of tension throughout the frontier zone, including the Nakhichevan region of Azerbaijan, is yet further evidence of the expansionist policy of Armenia with respect to Azerbaijan.

Using methods that are very much based on force and having chosen the path of military confrontation, Armenia is systematically expanding the geographical area of its aggression against Azerbaijan. After occupying 10 per cent of the territory of Azerbaijan and at the same time conducting a policy of ethnic cleansing, Armenia shamelessly claims that it is allegedly "choking while encircled by a blockade".

The question arises, how Armenia, which is supposedly isolated from the outer world and allegedly does not receive any food or industrial deliveries, or, above all, energy supplies, is able to conduct large-scale combat operations in the frontier districts of Azerbaijan, maintain military tension all along the frontier between Armenia and Azerbaijan, and keep a military expeditionary corps in the Nagorny Karabakh region of the Azerbaijani Republic.

It is obvious that the claims by the Government of Armenia concerning the blockade are propagandistic in nature and designed to mislead the international community in order to conceal the truth - the intention to seize by any means part of the territory of a sovereign State - the Azerbaijani Republic.

The world community cannot remain indifferent and must condemn the aggressive actions by Armenia against Azerbaijan and call it to account.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Hassan A. HASSANOV
Permanent Representative
of Azerbaijan to the United Nations

DOCUMENT S/25492

Report of the Secretary-General on the United Nations Operation in Cyprus

[*Original: English*]
[*30 March 1993*]

1. The present report is submitted pursuant to paragraph 3 of resolution 796 (1992) of 14 December 1992, in which the Security Council welcomed my intention as expressed in paragraph 46 of my report to the Security Council of 1 December 1992 [*S/24917*] to pursue my consultations with the troop-contributing Governments about a restructuring of the United Nations Peace-keeping Force in Cyprus (UNFICYP) and to report on this to the Council as soon as possible.

2. As indicated in paragraph 6 of my report of 23 September 1992 [*S/24581*], the size of UNFICYP has been significantly reduced because of the withdrawal of the Danish battalion (323 personnel) in December 1992 and the reductions that other troop-contributing countries have made in recent months in the size of their contingents (198 personnel from the United Kingdom, including the whole of the Force scout car squadron, 63 from Austria and 61 from Canada). The result of these reductions is that the established strength of UNFICYP (military personnel and civilian police) has been reduced from 2,141 in May 1992 to 1,513 in March 1993.

3. These reductions necessitated a major restructuring and reorganization of the Force. The required operational and organizational adjustments were in place at the commencement of the current mandate period on 16 December 1992. As described in my report of 1 December 1992 and on the accompanying map, the number of sectors was reduced from four to three and the number of line companies from eight to six. The three sectors are now covered by battalions provided by Austria, Canada and the United Kingdom, with each battalion comprising two line companies together with headquarters and first line support.

4. The United Kingdom's battalion has retained responsibility for most of its former area, while also assuming responsibility for the sector formerly controlled by the Danish contingent. As a result, the reduced United Kingdom battalion now exercises responsibility in an area extending from the Kokkina enclave in the far west to the United Nations Protected Area (UNPA) on the western edge of Nicosia. The Canadian battalion has expanded its sector (Sector Three) to the west and now covers the area from the UNPA to Athienou, including the entire portion of the buffer zone that runs through the centre of Nicosia. Sector Four, the responsibility of the Austrian battalion, continues to extend from the eastern boundary of Sector Three near Athienou eastward to the sea. The reduction in the number of line troops necessitated a decrease in the number of permanently occupied observation posts from 51 to 42. The crucial reserve functions, as well as the reconnaissance, patrolling, and crowd control capabilities of the Ferret Scout Car Squadron are no longer available to the Force. The Force reserve has been reduced to only four reinforcement platoons.

5. As I stressed in my report of 1 December 1992, the successive reductions in the strength of the Force, culminating in those described above, have brought UNFICYP to a point where the viability of the present operation is in doubt.

6. Since then, the Government of Canada has announced its intention to withdraw its contingent from UNFICYP between mid-June and September of 1993. The United Kingdom has also announced its intention to reduce its support regiment by 145 personnel, thus reducing the support resources and infrastructure that have sustained UNFICYP for many years. The United Kingdom will no longer provide UNFICYP with military police, mess staff, medical and dental care, the existing vehicle maintenance workshop or the transport squadron.

7. These additional reductions will bring the Force's strength down from 1,513 to approximately 850 personnel. Unless this situation is redressed, UNFICYP will cease to be viable in June 1993.

8. Because the continued presence of UNFICYP is indispensable to the maintenance of peace in Cyprus, I have carefully reviewed the possible options for the Force's future. As part of this process and in the light of resolution 796 (1992), on 26 February the Under-Secretary-General for Peace-keeping Operations, Mr. Kofi Annan, on my behalf resumed consultations with the eight troop-contributing Governments (Australia, Austria, Canada, Denmark, Finland, Ireland, Sweden and the United Kingdom of Great Britain and Northern Ireland). He was assisted by the Force Commander, Major-General Michael Minehane.

9. The Force Commander briefed the representatives of contributing Governments on the operational situation subsequent to the reductions described in paragraph 6 above. Contributing countries were also briefed on the current status of the talks on the set of ideas, which will resume in the near future, and on the implementation of confidence-building measures (see my report of 19 November 1992 [*S/24830*]). All the troop contributors assured my representatives of their continuing support for my good offices mission in Cyprus.

10. All the contributing countries agreed that the Force would no longer be capable of fulfilling its present mandate after the forthcoming withdrawal of the Canadian contingent. They accordingly stressed the urgency of taking remedial action, including changing its financing to assessed contributions.

11. The consultations with the troop contributors focused on two alternative proposals for restructuring UNFICYP. One would entrust the Force's mandate to military observers, who would be backed up by a small infantry element. The other would restructure the Force and reduce it to the minimum number of infantry battalions required to maintain effective control of the buffer zone.

12. Under the first proposal, a minimum of 200 United Nations military observers would maintain a high profile role, patrolling the buffer zone and providing random manning of observation posts. They would also undertake local liaison functions between the parties and would continuously monitor the buffer zone in central Nicosia. In order to ensure a minimum capacity to respond effectively to incidents in the buffer zone, they would be supported by three or four infantry companies, which would occupy permanently a greatly reduced number of observation posts, would undertake some patrolling and would provide a reserve in the event of violations of the buffer zone or other incidents. But there would no longer be 24-hour surveillance of the length of the buffer zone.

13. It was recognized that military observers would require timely payment of their local living costs. This could not be assured through continued reliance on voluntary contributions. Therefore, the restructured force would have to be financed through the normal system of peace-keeping assessment. In this manner, the enormous financial responsibility carried for so many years by a very limited and dwindling number of countries would be lifted and shared by the entire membership of the Organization.

14. It was understood that if this proposal were implemented, the basis for the calculation of daily subsistence allowances for military observers in Cyprus would need to be carefully examined, particularly in the light of the substantial amount of existing infrastructure in Cyprus that could be used to accommodate observers. It was further suggested that every effort should be made to find ways to economize on this expense in the event that military observers were deployed in Cyprus.

15. Most of the troop contributors expressed a preference for this proposal. Several troop contributors expressed the view that a political

stalemate had developed in Cyprus and that UNFICYP in its present form was not contributing to progress in resolving the underlying political issues. They believed that pressure needed to be put on both sides in Cyprus to change their behaviour and oblige them to deal directly with minor violations of the cease-fire. Replacing the existing operation with an observer mission in Cyprus would, they believed, send a political message to the parties. Other troop contributors agreed with the Secretariat that reducing UNFICYP any further could give rise to uncertainty and possible instability. They considered that the Force had been reduced to the minimum level that could be considered an acceptable risk.

16. My representatives expressed support for the second proposal, retaining a Force made up of formed infantry units. They reiterated that, as stated in my report of 23 September 1992 [*S/24581*], the normal practice when establishing a United Nations peace-keeping operation is to define the operation's mandate and then determine the resources required to implement it. The mandate should determine the resources, not vice versa. In the case of UNFICYP, the mandate had not undergone any change and, in the absence of any appreciable evolution in the situation on the island, the main functions of the Force remained:

(*a*) Maintenance of the military status quo and prevention of a recurrence of fighting;

(*b*) Humanitarian and economic activities to promote a return to normal conditions.

17. My representatives further pointed out that conditions prevailing in Cyprus at the time of a thorough review of the Force's mandate and strength in November 1990 [*S/21982*] had not changed and the conclusions of that review remained operationally valid. The Force's mandate and the kinds of resources required to carry it out had not been altered. The requirements for an unarmed observer mission had not been met. As stated in the November 1990 report, there is no agreement between the two sides about the delineation of the cease-fire lines or about what is permitted under the cease-fire, the cease-fire lines are still extremely close in some areas, UNFICYP does not have complete freedom of movement on both sides of the cease-fire lines and because of the intense distrust between the two sides, economic activity in the buffer zone (3 per cent of Cyprus) still has to be carefully controlled by UNFICYP to ensure that it does not lead to incidents. Military observers were used successfully in the United Nations Iran-Iraq Military Observer Group (UNIIMOG) and are at present performing effectively in several missions, including the United Nations Iraq-Kuwait Observation Mission (UNIKOM) as well as in the role played by observers in the United Nations Disengagement Observer Force (UNDOF). While these missions have sometimes been considered as possible models for a future observation mission in Cyprus, military observers would not, under the conditions currently prevailing in Cyprus, be able to carry out the mandate of UNFICYP effectively [*ibid., paras. 55-59*).

18. My representatives expressed my conviction that the current political and military situation in Cyprus and in the region does not yet justify UNFICYP being converted to an observer mission. Under its present mandate, which remains valid, the minimum strength of the Force cannot be brought below six companies on the cease-fire line if it is to remain able to fulfil its primary function of controlling the buffer zone. These companies would need to be provided by three battalions of at least 350 personnel each in order to retain the international personality of the Force and the necessary flexibility. The battalions should be drawn from existing or new troop contributors under the same financing arrangement as other peace-keeping operations, i.e., reimbursement of troop costs at the rates approved by the General Assembly from a Special Account which would be funded through assessed contributions.

19. The civilian police element of the Force should remain at its present strength and could take on some of the humanitarian tasks currently being carried out by the military. In addition, it was proposed that under this option UNFICYP headquarters staffing be reduced from 56 to 37 military posts to reflect reductions in the size of the Force in recent years.

20. As indicated above, in December 1992 the Force scout cars, which had been a feature of the Force since its inception, were withdrawn. Since then, some of the functions they performed have been carried out by a small number of Canadian armoured personnel carriers, but these will also be withdrawn in June 1993. I believe the Force Commander is correct in his assessment that UNFICYP needs the capability in situations of tension to show force when required and to be able to use an armoured reserve for reconnaissance, crowd control or rescue. An armoured unit similar to the scout car capability, but somewhat reduced in size, should be reinstated, whichever option is chosen.

21. With regard to logistical support, as mentioned above, the United Kingdom has announced its intention to withdraw the majority of the existing support structure and resources that it has generously provided to the Force. Alternative logistic support arrangements will need to be introduced in a phased manner during the next mandate period. Under both options some of the support required could be arranged through civilian contracting or, alternatively, could be contributed by a formed military supply and maintenance unit to provide second and third line support.

22. The cost of the first option (200 military observers plus four infantry companies and armoured rapid reaction elements) has been estimated and found to be marginally more expensive than continuing to deploy three small infantry battalions to control the buffer zone. Cost estimates for the two proposals may be found in the annex to the present report. Neither would be viable unless the basis for financing the Force was changed from voluntary to assessed contributions.

Observations

23. For several years my predecessor and I have predicted that unless the Security Council took the decision to convert the financing of UNFICYP to the system which has been standard for all peace-keeping operations established since 1973, the financial burden which contributing countries were being asked to bear would eventually lead to the collapse of the Force. Given the difficulties that have been encountered in making progress towards a negotiated settlement of the Cyprus problem, it is remarkable that those countries have endured for so long such an unfair system for financing the Force. Their readiness to do so should win them the deep gratitude not only of the parties in Cyprus but also of the membership as a whole. It is the patience and generosity of those countries which have until now made it possible to maintain a vitally important United Nations peace-keeping force at no cost to the great majority of the Members of the Organization. No one should blame them for finding it necessary now to lay down the burden which they have carried for so long.

24. The fact remains, however, that UNFICYP is a vitally important peace-keeping force and its current dissolution should be a matter of grave concern to the members of the Security Council, as it is to me. It is the unanimous view of my advisers, both military and civilian, that if UNFICYP lost its capacity to maintain control of the buffer zone, there would be a real danger that, without any of the parties wishing it, small incidents could rapidly escalate and threaten the cease-fire on which depends not only the security of the people of Cyprus but also the maintenance of an atmosphere conducive to success in the political negotiations.

25. For the reasons I have explained above, I believe it is important that UNFICYP retain six infantry companies on the line if it is to have the capacity to carry out its mandate. But the real question which confronts the Security Council is not whether UNFICYP's mandate can better be carried out by infantry or by a mixture of infantry and military observers.

(It is not seriously argued that at the present time military observers alone could do the task.) As is shown by the table annexed to the present report, the two options are more or less comparable in cost. The point is that neither will be practicable unless the Security Council can accept funding of the Force by assessed contributions. The question before the Council is thus whether to take this decision or to allow UNFICYP to dissolve into a token presence consisting of a few military observers.

26. The additional costs to Member States that would result from the conversion to assessed funding have seemed substantial in the past. But at this time of rapid expansion of the Organization's peace-keeping activities, they are almost marginal (a mere 1.7 per cent) by comparison with total peace-keeping expenditure, which is currently running, on an annualized basis, at about $2.8 billion per year, a figure which could more than double when UNOSOM II and a greatly enlarged operation in Bosnia and Herzegovina are deployed.

27. UNFICYP has proved its ability to keep the peace on a very sensitive front line in Cyprus. My own efforts, with the full support of the Security Council, to help the parties reach a freely negotiated settlement of their differences through the establishment of a bi-communal, bi-zonal federation have made important progress but remain at a delicate stage. I therefore strongly recommend that the Council decide urgently to convert UNFICYP to assessed funding, in order to give me the necessary time to find Member States willing to contribute the new contingents which are required to replace those which have left or are about to leave.

ANNEX

Twelve-month cost estimates of the two options for restructuring of the United Nations Peace-keeping Force in Cyprus

(Thousands of United States dollars)

			Formed infantry unit option	Military observer rapid reaction option
1	Military personnel			
	(*a*)	Contingent personnel	22 910	16 810
	(*b*)	Other costs pertaining to contingents	3 390	2 750
2	Military observers		-	6 600
3	Civilian police		1 270	1 270
4	Civilian staff costs, including travel		11 200[a]	11 860[b]
5	Premises, rental and maintenance		1 840	1 780
6	Air operations		830	830
7	Vehicle operations		2 230	2 300
8	Communications and other equipment		360	360
9	Miscellaneous supplies, services		3 100	2 840
	Total (gross)		47 130	47 400

[a] Provides for 38 international staff and 414 locally recruited staff

[b] Provides for 44 international staff and 414 locally recruited staff

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DOCUMENT S/25495[*]

Letter dated 31 March 1993 from the representative of Denmark to the Secretary-General

[*Original: English/French*]
[*31 March 1993*]

I have the honour to transmit herewith the text of a statement on violence in South Africa issued by the European Community and its member States on 30 March 1993.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Bent HAAKONSEN
Permanent Representative
of Denmark
to the United Nations

TEXT OF THE STATEMENT

In spite of the general downward trend of violence since the beginning of 1993 the wave of violence has continued in certain areas of Natal and Transvaal, culminating in a recent series of senseless murders of children and other innocent victims.

The European Community and its member States express their abhorrence and condemnation of these crimes and appeal to all parties engaged in the effort to reach a negotiated settlement for a future political dispensation in South Africa to do their utmost to bring the violence to an end and to renounce violence in all its forms.

In this connection the Community and its member States have taken due note, *inter alia*, of the Goldstone Commission's report of 15 March 1993 by the committee conducting a preliminary investigation into the activities of the Azanian People's Liberation Army (APLA), as well as of the Commission's recommendations addressed to the international community [*see S/25494*].

The Community and its member States have in many ways demonstrated their support for the peace process in South Africa, in particular through the deployment of the European Community Observer Mission in South Africa (ECOMSA). Together with the missions of the United Nations, the Organization of African Unity and the Commonwealth, ECOMSA has the mandate to observe the situation on the ground in areas most affected by violence and to facilitate dialogue between the relevant parties in order to defuse potential situations of conflict when needed.

The Community and its member States urge all parties to support the international observer missions in fulfilling their tasks and stress the importance of allowing the international observer missions free access to all parts of South Africa, including the so-called homelands.

They renew their call to all parties to sign the national peace accord and to participate in the peace structures. They welcome the forthcoming resumption of multi-party negotiations and urge all parties who have not yet done so to commit themselves to a speedy and peaceful transition to a democratic, non-racial and united South Africa.

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[*] Circulated under the double symbol A/48/123-S/25495.

DOCUMENT S/25496

Letter dated 11 March 1993 from the representative of Angola to the President of the Security Council

[*Original: English*]
[*31 March 1993*]

I have the honour to transmit the following letter from Mr. José Eduardo dos Santos, President of the Republic of Angola, with the request that it be circulated as a document of the Security Council.

(*Signed*) Afonso VAN DUNEM "MBINDA"
Permanent Representative
of Angola to the United Nations

LETTER DATED 11 MARCH 1993 FROM THE PRESIDENT OF ANGOLA ADDRESSED TO THE SECRETARY-GENERAL

It gives me great pleasure to address you in reference to the situation in Angola, particularly the South African involvement beside UNITA [*National Union for the Total Independence of Angola*], in the war that they are carrying on.

The Government of the Republic of Angola has just obtained the confirmation through reliable sources in South Africa that the support logistics operations, which were given to UNITA some months ago, are directed from Pretoria by a South African citizen known by the name of Gert de Klerk, who for this purpose utilizes the enterprise "Wonder Air", registered in his personal name.

The above-mentioned enterprise has various planes DC-3, DC-4 and DC-6 and sometimes also operates with Hercules C-130. During the months of November and December 1992, they flew daily and through the night to Angola's interior from the airport of Wonderboom, near Pretoria. After the public denouncement by the Angolan Government and by neighbouring countries who protested against the violation of their airspace, the enterprise started operating from a private airstrip located in one of its properties from January. Eyewitnesses have confirmed the loading of food, medicines, weapons and ammunition and these goods were sent to UNITA during the last five months.

Last 26 February 1993, a meeting took place in Pretoria between the Foreign Affairs Department, the South African Defence Forces (SADF), the Air Force, the National Intelligence Service and representatives of the Civil Aviation, at which they discussed the details of the above-mentioned flight operations that were later revealed to the press by some participants of the armed forces who disagreed with the accusations made against them.

Gert de Klerk has personal links with the South African Minister for Foreign Affairs, Mr. Pik Botha, and with the former Minister of Defence, Mr. Magnus Mallan, who gave cover to this operation. President de Klerk himself is well informed of the present scandal and had called a meeting under the auspices of his cabinet which did not conclude on 5 March.

The Government of the Republic of Angola avails itself of the opportunity to request that you take into consideration the present information and utilize your personal influence in the sense of calling upon the South African Government to stop immediately such operations.

I also request you to circulate this letter as a document of the Security Council.

(*Signed*)José Eduardo DOS SANTOS
President of Angola

DOCUMENT S/25497

Letter dated 30 March 1993 from the representative of Viet Nam to the Secretary-General

[*Original: English*]
[*31 March 1993*]

Upon instructions from my Government, I have the honour to transmit to you herewith the statement of 26 March 1993 of the spokeswoman of the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam concerning the responsibility for the protection of the Vietnamese residents in Cambodia.

I would be very grateful if you could have this statement circulated as a document of the Security Council.

(*Signed*) TRINH XUAN LANG
Permanent Representative
of Viet Nam to the United Nations

TEXT OF THE STATEMENT

According to foreign reports, of late, a representative of the United Nations Transition Authority in Cambodia (UNTAC) has said that UNTAC cannot protect the hundreds of families of ethnic Vietnamese residents who are fleeing from the acts of ethnic violence against them in the north-west of Cambodia. The spokesman of UNTAC and a United Nations officer in charge of human rights in Cambodia have further stated that the responsibility for protecting the Vietnamese residents in Cambodia rests with the Government in Phnom Penh and that the United Nations can only observe the situation and wait. In answering the questions posed by several correspondents on this issue, the spokeswoman of the Ministry of Foreign Affairs stated what follows.

UNTAC and the administrative structures in Cambodia have not only the moral but also legal obligations to protect the ethnic Vietnamese residents in Cambodia.

In legal terms, the Paris agreements most clearly provide for the responsibility *vis-à-vis* this issue:

1. Article 16 of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict stipulates that "UNTAC shall be responsible during the transitional period for fostering an environment in which respect for human rights shall be ensured, based on the provisions of annex 1, section E" [*S/23177, annex*].

As provided in the Paris agreements, UNTAC is the United Nations authority in Cambodia and has the direct responsibility for ensuring the implementation of the Paris agreements which includes aspects relating to the observance of human rights, the maintenance of public order and the protection of the lives and properties of all persons in Cambodia, including the ethnic Vietnamese residents.

Articles 3 and 5 of the Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia also stipulate that the parties to theAgreement undertake to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia and that in the event of serious violations of human rights in Cambodia they will call upon the competent organs of the United Nations to take appropriate steps for the prevention and suppression of such violations in accordance with the relevant international instruments.

2. Paragraph 1 of article 15 of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict unambiguously states that "all persons in Cambodia and all Cambodian refugees and displaced persons shall enjoy the rights and freedoms embodied in the Universal Declaration of Human Rights and other relevant international human rights instruments". Accordingly, the ethnic Vietnamese residents in Cambodia are entitled to the same fundamental rights as the other foreign residents in Cambodia.

The recent series of massacres perpetrated by the Khmer Rouge against the ethnic Vietnamese residents in Cambodia have caused great concern to people of conscience. These massacres constitute serious violations of human rights and are reminiscent of the past crimes of genocide. The evasion of the responsibility for the protection of the ethnic Vietnamese residents in Cambodia will indirectly encourage the Khmer Rouge to commit further acts of terror and massacres against the ethnic Vietnamese residents with a design to sabotage the peace process in Cambodia, obstruct the general elections in Cambodia, divert public opinion from their violations of the Paris agreements, incite national hatred and induce the ethnic Vietnamese residents to flee to Viet Nam, thus causing instability in Viet Nam.

While reaffirming its consistent policy of cooperation with UNTAC in the implementation of the Paris agreements, Viet Nam once again urgently requests UNTAC and all the parties concerned to take resolute and strong measures to prevent further acts of terror and massacre against the ethnic Vietnamese residents in Cambodia and to ensure that they enjoy the fundamental human rights as provided in the Paris agreements and other relevant international instruments.

DOCUMENT S/25499

Letter dated 31 March 1993 from the representatives of France and the Russian Federation to the Secretary-General

[*Original: French/Russian*]
[*31 March 1993*]

We have the honour to transmit herewith the text of the Joint Statement by the President of the French Republic and the President of the Russian Federation on Nagorny Karabakh, of 16 March 1993.

We should be grateful if you would be so kind as to have the text of this letter and the statement as a document of the Security Council.

(*Signed*) Jean-Bernard MERIMEE
Permanent Representative of France
to the United Nations

(*Signed*) Yuli M. VORONTSOV
Permanent Representative of the
Russian Federation to the United Nations

TEXT OF THE STATEMENT

The French Republic and the Russian Federation are continuing their efforts to halt as speedily as possible the bloody conflict in Nagorny Karabakh, which has caused great suffering for millions of persons, above all Armenians and Azerbaijanis. The French Republic and the Russian Federation are particularly concerned at the stepped-up military activity and the serious consequences of the conflict for the civilian population.

France and Russia reaffirm their commitment to a policy of peace, respect for human rights and the rights of peoples, dialogue and understanding. The non-use of force for political purposes and the peaceful settlement of disputes must remain the fundamental principles guiding the conduct of democratic States.

The leaders of the parties to the conflict must work out a realistic and responsible approach leading to a political settlement of the conflict, avoid intransigence and the vicious circle of violence, and establish direct contact. France and Russia reaffirm their strong support for settling the conflict within the framework of the Minsk Conference, under the auspices of the Conference on Security and Cooperation in Europe, whose preparatory meetings indicate prospects for real progress. Russia and France call upon all States concerned to combine their efforts, to which the experience and potential of the United Nations could be added, if need be, in order to ensure that the Minsk Conference can begin as soon as possible.

France and Russia call upon all the parties to the conflict to bring about an immediate de-escalation in the fighting and an effective cease-fire in order to arrive at a settlement of the conflict solely through peaceful means.

NOTES

[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] CD/1147.

[3] General Assembly resolution 47/135, annex.

[4] General Assembly resolution 2106 A (XX), annex.

[5] General Assembly resolution 2200 A (XXI), annex.

[6] United Nations, *Treaty Series*, vol. 1144, No. 17955.

[7] General Assembly resolution 640 (VII), annex.

[8] United Nations, *Treaty Series*, vol. 1125, No. 17512 and 17513.

[9] Convention concerning the regime of navigation on the Danube, signed at Belgrade on 18 August 1948 (United Nations, *Treaty Series*, vol. 33, No. 518).

[10] United Nations, *Treaty Series*, vol. 729, No. 10485.

[11] Ibid., vol. 75, Nos. 970-973.

[12] General Assembly resolution 260 A (III).

[13] General Assembly resolution 2200 A (XXI), annex, and resolution 44/128, annex.

[14] United Nations, *Treaty Series*, vol. 213, No. 2889.

[15] Ibid., vol. 529, No. 7659.

[16] A/47/741, para. 56.

[17] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2B* (E/1992/22/Add.2/Rev.1), chap. II.

[18] The draft resolution was adopted by the General Assembly on 18 December 1992 as resolution 47/147.

[19] Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[20] United Nations, *Treaty Series*, vol. 249, No. 3511.

[21] See *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

[22] Resolution 22 A (I).

[23] See report of the Secretary-General of 18 September 1990 (A/45/502).

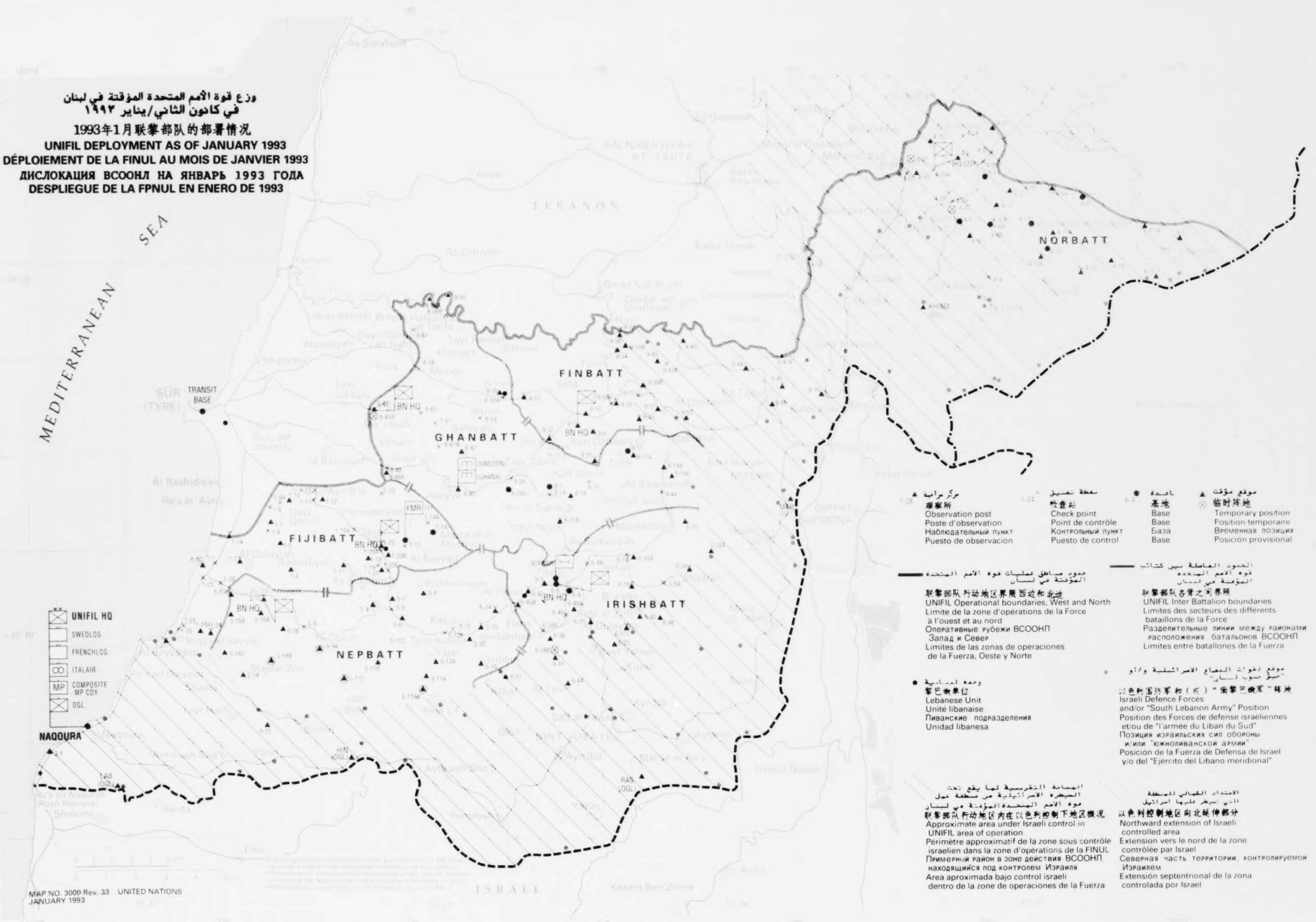
[24] See *Official Records of the General Assembly, Forty-seventh Session, Plenary Meetings*, 95th meeting (A/47/PV.95).

[25] A/46/544 and Corr.1.

[26] United Nations, *Treaty Series*, vol. 75, No. 972.

[27] ECOWAS membership: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

[28] Membership of ECOWAS Cease-fire Monitoring Group (ECOMOG): Gambia, Ghana, Guinea, Mali, Nigeria, Senegal (withdrew January 1993) and Sierra Leone.



وزع قوة الأمم المتحدة المؤقتة في لبنان في كانون الثاني/يناير ١٩٩٣

1993年1月联黎部队的部署情况

UNIFIL DEPLOYMENT AS OF JANUARY 1993

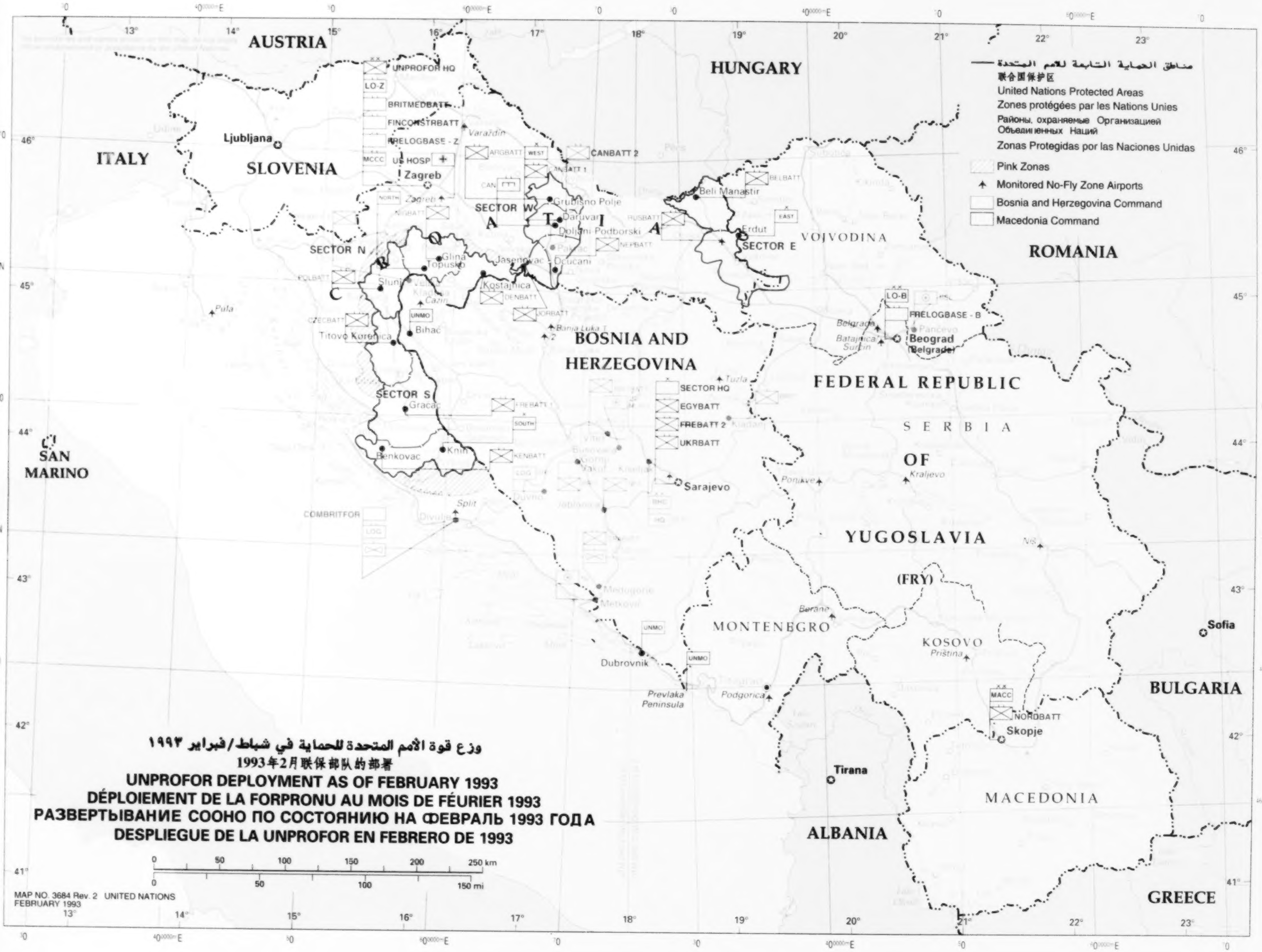
DÉPLOIEMENT DE LA FINUL AU MOIS DE JANVIER 1993

ДИСЛОКАЦИЯ ВСООНЛ НА ЯНВАРЬ 1993 ГОДА

DESPLIEGUE DE LA FPNUL EN ENERO DE 1993

MEDITERRANEAN SEA
LEBANON
ISRAEL
NORBATT
FINBATT
GHANBATT
FIJIBATT
NEPBATT
IRISHBATT
SUR (TYRE)
TRANSIT BASE
NAQOURA
BN HQ
FMR
SWEDEN
GHANA
KHIAM
HIN (OGL)
LAB (OGL)
RAS (OGL)
QIRYAT SHEMONA
UNIFIL HQ
SWEDLOG
FRENCHLOG
ITALAIR
COMPOSITE MP COY
OGL
▲ مركز مراقبة
瞭察所
Observation post
Poste d'observation
Наблюдательный пункт
Puesto de observación
نقطة تفتيش
检查站
Check point
Point de contrôle
Контрольный пункт
Puesto de control
● قاعدة
基地
Base
Base
База
Base
▲ موقع مؤقت
⊗ 临时阵地
Temporary position
Position temporaire
Временная позиция
Posición provisional
联黎部队行动地区界限西边和北边
UNIFIL Operational boundaries, West and North
Limite de la zone d'opérations de la Force à l'ouest et au nord
Оперативные рубежи ВСООНЛ Запад и Север
Limites de las zonas de operaciones de la Fuerza, Oeste y Norte
联黎部队各营之间界限
UNIFIL Inter Battalion boundaries
Limites des secteurs des différents bataillons de la Force
Разделительные линии между районами расположения батальонов ВСООНЛ
Limites entre batallones de la Fuerza
● 黎巴嫩单位
Lebanese Unit
Unité libanaise
Ливанские подразделения
Unidad libanesa
以色列国防军和（或）"南黎巴嫩军"阵地
Israeli Defence Forces and/or "South Lebanon Army" Position
Position des Forces de défense israéliennes et/ou de "l'armée du Liban du Sud"
Позиция израильских сил обороны и/или "южноливанской армии"
Posición de la Fuerza de Defensa de Israel y/o del "Ejército del Libano meridional"
联黎部队行动地区内在以色列控制下地区概况
Approximate area under Israeli control in UNIFIL area of operation
Périmètre approximatif de la zone sous contrôle israélien dans la zone d'opérations de la FINUL
Примерный район в зоне действия ВСООНЛ, находящийся под контролем Израиля
Area aproximada bajo control israeli dentro de la zone de operaciones de la Fuerza
以色列控制地区向北延伸部分
Northward extension of Israeli controlled area
Extension vers le nord de la zone contrôlée par Israel
Северная часть территории, контролируемой Израилем
Extensión septentrional de la zona controlada por Israel

MAP NO. 3000 Rev. 33 UNITED NATIONS
JANUARY 1993



AUSTRIA
HUNGARY
ITALY
SLOVENIA
Ljubljana
CROATIA
ROMANIA
VOJVODINA
BOSNIA AND HERZEGOVINA
FEDERAL REPUBLIC OF YUGOSLAVIA (FRY)
SERBIA
MONTENEGRO
KOSOVO
MACEDONIA
ALBANIA
BULGARIA
GREECE
SAN MARINO
Zagreb
Beograd (Belgrade)
Sarajevo
Tirana
Sofia
Skopje
Dubrovnik
Split
Bihac
Tuzla
Kraljevo
Niš
Priština
Podgorica
Prevlaka Peninsula
SECTOR N
SECTOR W
SECTOR S
SECTOR E
UNPROFOR HQ
LO-Z
BRITMEDBATT
FINCONSTRBATT
FRELOGBASE - Z
US HOSP
MCCC
ARGBATT
CANBATT 2
BELBATT
RUSBATT
NEPBATT
DENBATT
JORBATT
POLBATT
CZECBATT
UNMO
KENBATT
COMBRITFOR
SECTOR HQ
EGYBATT
FREBATT 1
FREBATT 2
UKRBATT
LO-B
FRELOGBASE - B
MACC
NORDBATT
Grubišno Polje
Daruvar
Donji Podborski
Pakrac
Jasenovac
Okučani
Glina
Topusko
Slunj
Kostajnica
Titovo Korenica
Gracac
Benkovac
Knin
Beli Manastir
Erdut
Banja Luka
Medjugorje
Metković
Pančevo
Batajnica
Surčin
Berane
Ponikve
Varaždin
Pula

مناطق الحماية التابعة للأمم المتحدة
联合国保护区
United Nations Protected Areas
Zones protégées par les Nations Unies
Районы, охраняемые Организацией Объединенных Наций
Zonas Protegidas por las Naciones Unidas

- ▨ Pink Zones
- ▲ Monitored No-Fly Zone Airports
- ☐ Bosnia and Herzegovina Command
- ☐ Macedonia Command

وزع قوة الأمم المتحدة للحماية في شباط/فبراير ١٩٩٣
1993年2月联保部队的部署
UNPROFOR DEPLOYMENT AS OF FEBRUARY 1993
DÉPLOIEMENT DE LA FORPRONU AU MOIS DE FÉURIER 1993
РАЗВЕРТЫВАНИЕ СООНО ПО СОСТОЯНИЮ НА ФЕВРАЛЬ 1993 ГОДА
DESPLIEGUE DE LA UNPROFOR EN FEBRERO DE 1993

0 50 100 150 200 250 km
0 50 100 150 mi

MAP NO. 3684 Rev. 2 UNITED NATIONS
FEBRUARY 1993

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